

**RULE NO.: R161-19.08**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: April 5, 2019**

The Director of the Department of Transportation proposes to adopt the following amendments to Section 12 of the Transportation Criteria Manual after May 7, 2019.

Comments on the proposed rule are requested from the public. Comments should be submitted to: Austin Transportation Department, PO Box 1088, Austin, Texas 78767-1088.

To be considered, comments must be submitted before May 7, 2019, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule is pending; once approved it is available for inspection or copying at the address noted in the preceding paragraph.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before May 7, 2019 (the 32nd day after the date of this notice) or not after June 14, 2019 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before June 14, 2019, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Austin Transportation Department, 901 S. Mopac Expressway, Building 5, Suite 300, Austin, Texas 78746;

and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

## **BRIEF EXPLANATION OF PROPOSED RULE**

The proposed rule amends the Section 12 of the Transportation Criteria Manual to clarify rules governing the application process, information required, design standards, design guidelines, and design districts for permits for public right-of way use by wireless network providers for placement of wireless network equipment in the public right-of-way and on City-owned poles.

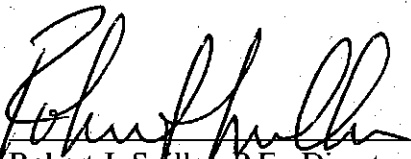
## **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate the private use of public right-of-way and City-owned utility infrastructure is established in City Code Chapters 14-11 (*Use of Right-of-Way*) and 15-7 (*Use of City-Owned Utility Infrastructure*).

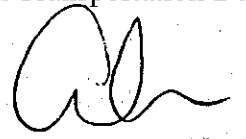
## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule (R/~~61-19.08~~), the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the respective Director's administrative authority.

## **REVIEWED AND APPROVED**

  
Robert J. Spillar, P.E., Director  
Austin Transportation Department

Date: Apr. 4, 2019

  
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

Date: 4/5/19

## **SUMMARY TCM CHANGES**

### **Amendments to TCM Sections: 12.1, 12.2.3, 12.2.8, 12.2.13, 12.2.21, 12.2.22, 12.4.1 through 12.4.3, 12.7, and 12.7.1 through 12.7.4.**

- Section 12.1 – This amendment deletes obsolete language referencing an expired pilot project.
- Section 12.2.3 - This amendment increases the maximum allowed height of an antenna and makes a grammatical correction.
- Section 12.2.8 – This amendment adds language clarifying the responsibilities of a wireless network provider.
- Section 12.2.13 – This amendment clarifies language regarding responsibilities of a wireless network provider for facility relocation.
- Section 12.2.21 – This amendment adds language to clarify that wireless network providers have a responsibility to reimburse for certain City costs.
- Section 12.2.22 – This amendment clarifies language regarding electrical disconnects and meters for wireless network nodes.
- Section 12.4.1 – This amendment makes a grammatical correction.
- Section 12.4.2 – This amendment deletes language referring to submitting an electrical service planning application.
- Section 12.4.3 – This amendment clarifies language regarding notice of inspections.
- Section 12.7 – This amendment adds Project Connect, mobility corridors and Municipal parks to the list of Design Districts.
- Section 12.7.1 – This amendment clarifies the site permitting prioritization and City-wide default design standards.
- Section 12.7.2 – This amendment clarifies design standards applicable to several named specific design districts and adds design standards specific to municipal parks.
- Section 12.7.3 – This amendment clarifies design standards applicable to Historic Districts.
- Section 12.7.4 – This amendment clarifies design standards applicable to Historic Landmarks.

## 12.1 - Purpose

This section 12 ("this Rule") is adopted to administer those parts of Article 2 of Chapter 14-11 (Use of Right-of-Way for Construction, Excavation, Facility Installation, or Temporary Use) of the Austin City Code exercising the City's authority to manage and regulate the private use of City public right-of-way by small cell wireless network providers as that use is granted by Chapter 284 of the Texas Local Government Code.

This Rule sets forth process, terms, and conditions for requesting and permitting the use of City public right-of-way and City-owned traffic signal poles in City public right-of-way by network providers for network nodes, node support poles, and transport facilities. The parts of this Rule related to attachments to traffic poles administers those parts of Chapter 15-7, (Use of City-Owned Utility Infrastructure) of the City Code governing attachments to traffic poles.

This Rule also sets forth design parameters, limits, and standards that include aesthetic and concealment requirements for network nodes, node support poles, and transport facilities intended to be placed in City right-of-way under Chapter 284 of the Texas Local Government Code whether a facility is subject to City permitting or exempt by state law.

Unless otherwise determined by the director in writing, the terms of this Rule and all design parameters, limits, or standards set out in this Rule for network nodes, node support poles, and transport facilities, comprise the City's design manual for the purposes of Section 284.108 of the Texas Local Government Code. Unless otherwise apparent by the context and common meaning of a term, the terms used in this Rule have the meanings attributed to them by Section 284.002 of the Texas Local Government Code as those terms may be construed and further described by applicable Austin City Code.

In addition to complying with City of Austin City Code, in particular Chapters 14-11 and 15-7, a network provider as that term is defined by Section 284.002 of the Texas Local Government Code, must comply with the provisions in this Rule.

~~[As of September 1, 2017, the City will no longer issue or grant site licenses under the terms of a Master License Agreement for Wireless Facilities in the Right of Way Downtown Small Cell (the "Pilot Project MLA"), the terms of the Pilot Project MLA having been superseded by the enactment of Chapter 284 of the Texas Local Government Code and the adoption of this Rule. If by judicial order or ruling, the effect of Chapter 284 of the Texas Local Government Code is suspended or enjoined, in whole or in part, the director in the director's sole discretion and subject to applicable law, may resume processing and issuing permits and executing license agreements in accordance with the director's discretion and authority under Chapters 14-11 and 15-7 of the City Code.]~~

### 12.2.3 - Size Limitations of Equipment

- A. Unless otherwise specified in this Rule, a network node installed on any pole within the public right-of-way must conform to the following:
  - 1. Each antenna that does not have exposed elements and is attached to an existing structure or pole:
    - a. Must be located inside an enclosure of not more than six cubic feet in volume;
    - b. May not exceed a height of ten [three] feet above the existing structure or pole; and
    - c. May not protrude from the outer circumference of the existing structure or pole by more than two feet;
  - 2. If an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:
    - a. Must fit within an imaginary enclosure of not more than six cubic feet;
    - b. May not exceed a height of ten [three] feet above the existing structure or pole; and
    - c. May not protrude from the outer circumference of the existing structure or pole by more than two feet;
  - 3. The cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:
    - a. Be more than 28 cubic feet in volume; or
    - b. Protrude from the outer [other] circumference of the existing structure or pole by more than two feet;
  - 4. Ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and
  - 5. Pole-mounted enclosures may not be taller than five feet.
- B. The following types of associated ancillary equipment are not included in the calculation of equipment volume under subsection A:
  - 1. Electric meters;
  - 2. Concealment elements;
  - 3. Telecommunications demarcation boxes;
  - 4. Grounding equipment;
  - 5. Power transfer switches;
  - 6. Cut-off switches; and
  - 7. Vertical cable runs for the connection of power and other services.
- C. Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.
- D. Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

#### 12.2.8 - Repair

A network provider will promptly repair any damage to City property from the network provider's installation, placement, attachment, repair, modification, removal, operation, use, or relocation of a network node promptly and repair and return such property to its original condition. The City may opt to perform the repair and charge it to the network provider if the network provider fails to perform the repair if the unrepaired condition creates an imminent danger to the public. If installing a network node or associated equipment requires removal and reattachment of a traffic sign, any other sign or other City equipment on a pole owned or operated by the City, the network provider will coordinate with appropriate City personnel to remove, move and reattach the sign.

#### 12.2.13 - Removal or Relocation by Network Provider

- A. If the network provider proposes to remove or relocate ~~removes or relocates~~ a network node ~~[at its own discretion]~~, it shall notify the director in writing not less than 10 business days prior to removal or relocation. The network provider shall obtain all permits required for relocation or removal of its network node prior to relocation or removal.
- B. A network provider's removal or relocation does not entitle the network provider to fee or rate refunds for network nodes that have been removed or relocated.

#### 12.2.21 - Installation

- A. Installation of network nodes will be done in a good and workmanlike manner and in accordance with the requirements established by the director in compliance with all applicable laws, ordinances, codes, standards, criteria, rules and regulations.
- B. Installation of a network node or network node support pole shall not interfere with the operation of City infrastructure unless approved by the City for a specific time and location. Interference with traffic signal operations may require the presence of City employees, for which the network provider will reimburse the City.
- C. Installation or maintenance activities shall not impede traffic unless authorized by a permit.



#### 12.2.22 - Electrical Supply

- A. A network provider shall be responsible for obtaining any required electrical power service to the network node. The City will not be liable to the network provider for any stoppages or shortages of electrical power furnished to the network node, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the City or the act or omission of any other tenant or user of the structure. The network provider will not be entitled to any abatement of any fee for any such stoppage or shortage of electrical power.
- B. The network provider shall be responsible, at the network provider's expense, for correcting any discovered pre-existing non-conforming conditions related to the provision of power for a network node.
- C. If the network node is to be installed on a different pole than the electric service is installed, it is the network provider's responsibility to install the necessary underground conduit and cabling to provide power to the network node.
- D. Network provider shall install a device or devices to disconnect network provider's network node, such as a fused linkage, cut-off switch or similar mechanism that is capable of disconnecting and de-energizing [~~de-energize~~] network provider's network nodes so that the City personnel performing maintenance may quickly and safely shut down the network node in order to prevent exposure to dangerous conditions [~~so that they are not exposed to dangerous electrical current or radiofrequency radiation or electromagnetic fields~~] generated by the network node. The disconnect device must be clearly identified and easily accessed, and the operation of the cut-off switch must be obvious and intuitive. The City will instruct its maintenance personnel to use the disconnect device to de-activate the network node while performing work in proximity to the network node.
- E. Network provider electric meter may not be installed on a traffic pole, unless the director determines that [~~placement on the traffic pole is necessary to avoid the use of right-of-way surface for the meter placement and~~] the meter's placement is consistent with the applicable design standards.

#### 12.4.1 - Eligibility and Application

- A. Network providers may request to collocate network nodes on traffic poles provided that network nodes or associated equipment may only be installed and enclosed in the manner according to the allowed design, installation, and construction details for a traffic pole collocation shown and described in Exhibit A (Figures 1 through 7) incorporated into and attached to this Rule. For traffic poles with street light fixtures mounted by a vertical extension to the traffic pole, the director may allow an antennae to be mounted to the vertical extension supporting the street light in a manner that does not materially deviate from the construction details for a traffic pole collocation shown and described in Exhibit A (Figures 1 through 7), provided the overall height for the top of the antenna shroud is not more than 35 feet above ground level.
- B. To be eligible to ~~request a~~ collocate a network node on a traffic pole, a network provider must execute a Traffic Pole Attachment Agreement in the form attached and incorporated into this Rule as Exhibit B. No attachment may be placed on a traffic pole unless an application for the attachment is submitted and approved by the director in accordance with Chapter 15-7 (Use of City-Owned Utility Infrastructure) of the City Code.
- C. In order to minimize structural impact to the traffic pole or negative visual impact to the surrounding area, the director may deny an application for attaching to a traffic pole upon which a network node has been attached or for which a complete application for attachment has been approved or is pending approval.
- D. A network node or any associated equipment may not obstruct the visibility of a traffic control device or sign. A network node or any associated equipment may not interfere in any way with the function or operation of a traffic control device or sign. Should traffic control devices or signs be added, modified, or moved, a network provider shall relocate or remove its equipment after receiving written notice.
- E. Network providers shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.
- F. Unless approved by the director, a network node, including any shroud or mounting structure, shall be installed a minimum of 6" above the traffic mast arm infrastructure. The upper height limit for an antenna placed atop a traffic pole is 35 feet above ground level.
- G. Exposed equipment and shrouds shall match the existing pole color to the extent possible.
- H. If the director determines that cable necessary to connect the components of a node located on a traffic pole cannot be located internally within the traffic pole, external cables and wires must be enclosed in conduit. The maximum number and size of conduit that may be attached to a traffic pole is two 1½" EMT conduit. External conduit attached to a traffic pole must match the color of the existing pole. External conduit should be installed flush to the pole and in an unobtrusive manner as possible. If needed, the network provider may have a one foot radius drip loop exposed. Conduit shall be installed as to not conflict with access to any traffic signal activities.
- I. An application to collocate on a traffic pole must include information that the director determines is necessary to review and approve the application, including, but not limited to:
  - 1. A completed application on a form approved by the director, for each location requested;
  - 2. A map showing the intended location of the proposed network node and transport facilities serving that network node in the public right-of-way, with distances from any historic landmarks, parks, schools, or residentially zoned property, if any. The map must also include all existing utilities and surface features (including trees, street furniture, etc.) within 20 feet of the proposed node support pole location;
  - 3. Representative drawings or pictures of the specific traffic pole location.

4. Artistic renderings, drawings, cut sheets, or pictures showing the location with network provider's equipment installed, including conduit, attachment method, and shroud;
5. Details on the attachment method proposed for the City's approval. No penetration of the traffic pole is allowed;
6. A photograph of the specific traffic pole to be attached to;
7. Pole load analysis in accordance with Section 12.4.2; and
8. Construction plan sheets (11 inches by 17 inches) at a scale of no smaller than 1 inch = 40 feet in plan view, and 1 inch = 6 feet in profile view, sealed by a professional engineer licensed in the State of Texas that represents:
  - a. the specific location of the existing traffic pole;
  - b. location and method of proposed installation (trench, bore, existing conduit pull) of proposed and existing transport facilities necessary to connect the network node to the PSTN;
  - c. horizontal alignment of proposed or existing fiber or conduit in relation to the proposed fiber assignment;
  - d. proposed work areas required to install infrastructure that will disrupt or divert traffic;
  - e. placement of network node and equipment on the traffic pole as well as any ground equipment, cabinets, etc.;
  - f. any and all existing utilities, both underground and overhead; and
  - g. the specific location of the existing traffic pole using latitude/longitude in decimal degrees to the 6th decimal point.

#### 12.4.2 - Traffic Pole Load Analysis

- A. Each application for collocation of a network node on a service pole shall include a load analysis prepared by a Texas Registered Professional Engineer and must conform to the Transportation Department's approved process and methodology.
- B. The load analysis shall take into account and allow space for all attachments which are currently constructed or planned for future construction.
- C. The following information is required to be submitted:
  - 1. Specific location with X, Y coordinates and Traffic Signal Pole ID;
  - 2. Picture of entire Traffic Signal Pole;
  - 3. Traffic Signal Pole brand information (height and class);
  - 4. Height of each existing attachment present on the traffic pole and proposed height of wireless attachment;
  - 5. Identification of each attachment present on the traffic pole;
  - 6. Detailed drawings of the proposed wireless attachments and physical specifications (weight and dimensions);
  - 7. ~~[Electric Service Planning Application in accordance with the Austin Energy Design Criteria Manual;~~
  - 8-] Type, height, and size of all attachments present on the traffic pole; and
  - 8[9]. Ownership information on all attachments.

#### 12.4.3 - Inspections

- A. Authorized City employees may inspect the collocation of network nodes on a traffic pole to ensure compliance with all applicable laws. Such inspection may occur during or after construction.
- B. In the event of an emergency situation, the director may, but is not required to, notify a network provider of an inspection. The City may take action necessary to resolve the emergency situation and the director shall notify the network provider as soon as practically possible after resolution is complete.
- C. The director may perform visual inspections of any network nodes located in the public right-of-way as the director deems appropriate without notice. If the inspection requires physical contact with the network node, the director ~~will~~ shall provide advance written notice to the network provider ~~[within five business days of the planned inspection]~~. The network provider may have a representative present during such inspection.

## 12.7 - Design Standards

The intent of the design standards is to ensure that the installation of network nodes, node support poles, and equipment cabinets is compatible with existing land use and urban design regulations.

The design standards in this section apply to the installation of network nodes, node support poles, cabinets, and associated equipment within public right-of-way throughout the City unless more specific design elements, concealment measures, or camouflage requirements are set out for a specific design or historic district. A design district is an area within the City with a zoning classification or other City Code designation for which unique design and aesthetic standards are applied uniformly. Design districts include, but are not limited to:

- (1) the Central Business District (CBD);
- (2) numerous Planned Unit Developments, Neighborhood Conservation Combining Districts, Planned Development Agreements, Master Development Agreements, and small-area Regulating Plans;
- (3) the Waterfront Overlay District;
- (4) neighborhoods subject to the Residential Design and Compatibility Standards and/or adopted neighborhood plans;
- (5) numerous historically significant districts, such as the East 6th/Pecan Street Overlay, Castle Hill Historic District, and general Historic District and Historic Area Combining Districts;
- (6) the University Neighborhood Overlay District;
- (7) the Lake Austin Overlay District;
- (8) the Traditional Neighborhood District; [and]
- (9) Project Connect and mobility corridors;
- (10) Municipal parks; and
- (11) [(9)] commercial and multi-family development subject to standards codified as "Design Standards and Mixed Use."

### 12.7.1 - Design Standards City-Wide

- A. Where design district or historic district boundaries overlap, the more restrictive of the standards shall apply. Design standards, including concealment measures, applicable to a specific design district prevail over conflicting city-wide design standards.
- B. Site Selection - It is the City's policy to preserve as open, as much as possible, the surface and air above the public right-of-way to keep sight-lines open for public safety and aesthetic purposes. Subject to design standards applicable to the specific design district, the City in its sole discretion, will consider permit applications ~~[To achieve that end, permits to use the public right-of-way]~~ for network nodes and node support poles ~~[will be prioritized]~~ in the following order of priority:
1. Node support poles. Outside the CBD, node support poles must be separated by at least 250 feet. Within the CBD, node support poles may be placed only at street intersections with a maximum of four node support poles per intersection – no more than one at each corner. Node support poles may not obstruct a pedestrian clear zone or conflict with existing utilities.
  2. ~~[4.]~~ Collocation ~~[First, collocation]~~ on existing utility poles. The allowed design, installation, and construction details, for utility pole collocation is shown and described in the Utilities Criteria Manual.
  3. ~~[2.]~~ Collocation ~~[Second, collocation]~~ on existing traffic poles – No more than 75% of the existing traffic signal poles at an intersection of two streets are available for node collocation ~~[In order to minimize visual clutter and maintain future infrastructure availability for both the City and other projects, a maximum of two traffic poles per intersection may be made available for network node installation]. Unless the director issues a separate written design standard that allows more than two antennae on a traffic signal pole for a particular design district, no more than two antennae~~ ~~[Only one antenna and base equipment cabinet]~~ may be permitted on a traffic pole. The design, installation, and construction must comply with section 12.4.1 of this Rule.
  4. ~~[3.]~~ Collocation ~~[Third, collocation]~~ on non-decorative streetlight poles. Network nodes may not be placed on historic or decorative poles. The allowed design, installation, and construction details for non-decorative streetlight poles is shown and described in the Utilities Criteria Manual.
  - ~~[4.]~~ Last, node support poles. In order to receive a permit to install a node support pole, the network provider must demonstrate that no collocation options are available for the service area. Node support poles must be separated by at least 250 feet.
- C. Underground Utility Districts.
1. Node ~~[Nodes]~~ support poles may not be placed in public right-of-way in areas of the City where wireline based public utilities such as electricity and telecommunications are provided by underground distribution networks rather than by aerial support on utility poles. Such an area is, for the purposes of this Rule, an Underground Utility District: an area where poles, overhead wires, and other above-ground utility equipment have been removed and placed underground or have been approved for future placement underground.
  2. If the director determines that a section of public right-of-way within an Underground Utility District has, as of September 1, 2017, utility poles supporting aerial wireline based public utility distribution extending more than 300 feet, node support poles may be placed in that section of right-of-way subject to the requirements in this Rule applicable to node support poles.
  3. Except for base-mounted and shrouded equipment for collocations on traffic poles consistent with construction details for a traffic pole collocation set out in section 12.4.1 of

this Rule, network node equipment, other than the antenna, must be placed below ground in an Underground Utility District.

- D. Equipment shall be installed in a manner that does not hinder pedestrian walkways or interfere with traffic signal equipment. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with the sidewalk standards in Section 4 of the Transportation Criteria Manual and the Americans With Disabilities Act and shall not obstruct an existing or planned path of travel [sidewalk].
- E. For network nodes placed on existing poles, the color of the network nodes shall match the existing pole color, such that the network nodes blend with the existing pole.
- F. ~~The following requirements apply to all node support poles: [Where applicable, node support poles shall be placed within the planting zone in alignment with existing street trees or light poles. Poles shall be placed equidistant between street trees, with a minimum separation of 15 feet from tree to pole. The planting zone is an area adjacent to the curb in which street trees may be planted. The zone is also intended for the placement of street furniture, public utility equipment such, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.]~~
  - 1. Node support poles may be placed within the planting zone in alignment with existing street trees or light poles, equidistant between street trees, with a minimum separation of 11 feet from tree to pole. The planting zone is an area adjacent to the curb in which street trees may be planted and in which street furniture, public utility equipment, and similar elements may be placed provided it does not obstruct pedestrian access or motorist visibility.
  - 2. Equipment may not be located so as to inhibit a consistent, uniform streetscape, or tree trimming. Any tree trimming must maintain the tree's natural shape and growth pattern.
  - 3. Network nodes and node support poles must be designed to be compact and unobtrusive so as to minimize the visual impact on the surrounding streetscape. The applicant shall avoid using enclosures that are bulky or include distracting materials.
  - 4. Network nodes and equipment should be grouped or stacked close together on the same side of the pole. Large gaps between equipment and enclosures should be avoided.
  - 5. The color of network nodes and node support poles must match the color of existing poles in the area.
  - 6. The total height of a node support pole plus any network equipment may not exceed 30-feet above ground level unless the application for a node support pole exceeding a height of 30-feet above ground level, but not exceeding 55-feet above ground level, demonstrates to the director's satisfaction that an exception is warranted because: (a) the surrounding aesthetic conditions, utility criteria, and zoning are compatible with a node support pole of the proposed height, and (b) a height any less than that proposed would effectively prohibit the provision of wireless services. In no event may the height of a node support pole exceed the lesser of: (a) the height of the tallest existing utility pole located within 500 linear feet of the proposed pole in the same public right-of-way plus 10 feet, or (b) 55-feet above ground level.
  - 7. Equipment cabinets may be mounted to the node support pole, placed in the designated street furniture area, or located underground. Cabinets placed on node support poles must be located at least nine feet above ground level. The center of the cabinets must be located the same distance from the face of curb as street trees and service poles. Cabinets shall be designed to be unobtrusive and compatible with the surrounding environment.
  - 8. Coordinate placement of any proposed sidewalk cabinet with City Urban Design personnel to ensure the cabinet does not interfere with the development of standard streetscapes.
  - 9. Any area disturbed by the installation of node support poles, associated equipment, or transport facilities shall be restored to its original condition. In areas where pavers have been installed, paver restoration must be shown in the permit application plans. The restoration of paving must follow the existing pattern, joints, grade, and crown so as to blend



in with the adjacent existing paving. Only pavers that are in good condition, without cracks or chips, may be reused. Replacement pavers are to conform in size and color to the existing pavers.

- G. Faux Treatments - Concealment may not include faux trees, faux landscaping, or other faux decorative items.
- H. The network provider is responsible for all make-ready costs, whether performed by the provider, a third party or the City.
- I. Where micro-trenching is used, any sealant must match the color of the surrounding surface.

## 12.7.2 - Design District Requirements

### 12.7.2.1 - Downtown Austin District

- A. Downtown Austin is an area bounded by Martin Luther King, Jr. Boulevard [MLK Blvd.], Interstate Highway 35 [IH-35], Lady Bird Lake, and Lamar Boulevard Blvd., as established in the Downtown Austin Plan.
- B. Site Selection - Network nodes may ~~[only]~~ be located only in the following public right-of-way locations in Downtown Austin in the following [by] order of priority [preference]:
1. ~~[First.] Colocation on Traffic Poles - Great Street standards consist of eight traffic pole foundations at each intersection. [In order to minimize visual clutter and maintain future infrastructure availability for both the City and other projects, a maximum of two traffic poles per intersection may be made available for small cell equipment installation. Only one antenna and equipment cabinet may be permitted on a traffic pole and must comply with the allowed design, installation, and construction details for a traffic pole collocation set out in section 12.4.1 of this Rule.]~~
  2. Node Support Poles.
    - a. Node support poles may be placed at intersections, in the street furniture zone, within 17 feet of the edge of the curb ramp and at least 8 feet from a traffic pole. In areas without a street furniture zone, node support poles must be placed at least 18 inches from the back of the curb or aligned with existing poles.
    - b. The placement of a node support pole may not conflict with an existing tree canopy.
    - c. The placement of a node support pole may not obstruct pedestrian travel. The required pedestrian clearance is described in Section 4 of the Transportation Criteria Manual. If existing non-conforming sidewalks make strict compliance infeasible, the applicant shall coordinate with city staff on a possible location placement of the node support pole.
    - d. A maximum of two nodes may be placed on a node support pole.
    - e. The maximum diameter of a node support pole is 16 inches.
    - f. The color and finish of the pole must match the color and finish of the City's Great Street's poles.
  3. Collocation [Second, colocation] on existing service poles and other non-decorative poles. Great Street poles are considered decorative poles and not available for the attachment of network nodes.
- C. Underground Utility District - Downtown Austin is an Underground Utility District.
- D. If an existing utility conflict makes underground placement of network provider equipment unfeasible, a network provider [applicants] may request a waiver from the Director to collocate the cabinet in street furniture and shall [on the sidewalk and] coordinate with City Urban Design personnel on [the] design and placement [of the cabinet] to ensure [that] the cabinet complies [does not interfere] with Great Street design standards.[the development of Great Street standard streetscapes. If surface placement is requested due to utility conflicts, an equipment cabinet:
1. may only be placed in the designated planting zone; and
  2. may not be located so as to inhibit a consistent, uniform streetscape, or tree trimming necessary to maintain the tree's natural shape and growth pattern.
- E. ~~Network nodes must be designed to be compact and unobtrusive so as to minimize the visual impact on the surrounding streetscape. The applicant shall avoid using enclosures that are bulky or include distracting materials.]~~

#### 12.7.2.2 - University Neighborhood Overlay

- A. The University Neighborhood Overlay (UNO) includes the West Campus neighborhoods of Outer West Campus, Inner West Campus, Guadalupe, and Dobie. The boundaries of UNO are established by Appendix C of Chapter 25-2 of the City Land Development Code.
- B. Network nodes may not be placed on the UNO Pecan Street decorative poles.
- C. ~~A maximum of two nodes may be placed on a node support pole. [Node support poles shall be placed within the planting zone, in alignment with existing or future UNO decorative poles and street trees. Poles shall be placed equidistant between street trees, with a minimum separation of 15 feet from tree to pole.]~~
- D. ~~The maximum diameter of a node support pole is 16 inches. [Nodes support poles may not be located so as to inhibit a consistent, uniform streetscape, or tree trimming. Any tree trimming must maintain the tree's natural shape and growth pattern.]~~
- ~~[E. Network node and Node Support Pole Design - Network nodes and node support poles must be designed to be compact and unobtrusive so as to minimize the visual impact on the surrounding streetscape. The applicant shall avoid using enclosures that are bulky or include distracting materials.
  - 1. Placement - Network nodes and equipment should be grouped or stacked close together on the same side of the pole. Large gaps between equipment and enclosures should be avoided.
  - 2. Color - The color of network nodes and node support poles must match the color of the UNO Pecan Street decorative pole such that they blend with the color of the district's streetscape elements.
  - 3. The total height of a node support pole plus any network equipment may not exceed 30 feet from ground level.~~
- ~~F. Cabinet Placement and Design - Equipment cabinets may be mounted to the pole, placed in the designated street furniture area, or located underground. Cabinets placed on poles must be located at least nine feet above ground level and follow the design standards described above in subsection D.
  - 1. The center of the cabinets must be located the same distance from the face of curb as street trees and service poles. Cabinets shall be designed to be unobtrusive and compatible with the surrounding environment.
  - 2. Applicant shall coordinate the placement of any proposed sidewalk cabinet with Urban Design to ensure that that the cabinet does not interfere with the development of UNO standard streetscapes.]~~

#### 12.7.2.3 - Core Transit Corridors, Waterfront Overlay, Specific [Special] Regulating Districts, Planned Unit Developments (PUD), Mobility Corridors, and Planned Development Agreements (PDA)

##### A. Geographic Areas

- 1. Core Transit Corridors - Core Transit Corridors (CTCs) and Future Core Transit Corridors (FCTCs) were established in 2005 and 2006 by City Council in order to improve design standards along major roadways. The roads identified as CTCs and FCTCs are established in Chapter 25-2, subchapter E of the City Land Development Code.
- 2. The Waterfront Overlay encompasses land surrounding Lady Bird Lake and the Colorado River and includes parkland, part of Downtown, and the South Central Waterfront. The boundaries of the Waterfront Overlay district are established by Appendix B of Chapter 25-2 of the City Land Development Code.

3. Specific [Special] Regulating Districts are areas zoned as Transit Oriented Development (TOD), North Burnet Gateway (NBG), and East Riverside Corridor (ERC).
  4. Planned Unit Developments (PUDs) are a type of special purpose zoning district established in Chapter 25-2 of the City Land Development Code.
  5. Mobility Corridors are roads included in the COA Corridor Construction Program adopted by the COA City Council on April 26, 2018 (<https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/>).
  - 6[5]. Planned Development Agreements (PDAs) are a type combining zoning district established in Chapter 25-2 of the City Land Development Code.
- ~~B. Node support poles shall be placed within the planting zone in alignment with existing street trees or light poles. Poles shall be placed equidistant between street trees, with a minimum separation of 15 feet from tree to pole.~~
- ~~C. Poles may not be located so as to inhibit a consistent, uniform streetscape, or tree trimming. Any tree trimming must maintain the tree's natural shape and growth pattern.~~
- ~~D. Node and Pole Design – Network nodes and node support poles must be designed to be compact and unobtrusive so as to minimize the visual impact on the surrounding streetscape. The applicant shall avoid using enclosures that are bulky or include distracting materials.~~
- ~~1. Placement – Network nodes and equipment shall be grouped or stacked close together on the same side of the pole. Large gaps between equipment and enclosures should be avoided.~~
  - ~~2. The color of a network node placed on any existing pole must match the color of the existing pole.~~
- ~~E. Cabinet Placement and Design – Equipment cabinets may be mounted to the pole, placed in the designated street furniture area, or located underground. Cabinets placed on poles must be located at least nine feet above ground level and follow the design standards described above in subsection E. The center of the cabinets must be located the same distance from the face of curb as street trees and service poles. Cabinets shall be designed to be unobtrusive and compatible with the surrounding environment.]~~

#### 12.7.2.4 Municipal Parks.

- A. Network nodes may be permitted in public rights-of-way in municipal parks subject to the following standards and only in the following order of priority:
1. Collocation on existing utility poles.
  2. Collocation on existing traffic signal poles.
  3. Collocation on non-decorative light poles. Network nodes may not be placed on decorative poles.
  4. Node support poles. Before applying for a node support pole, the applicant must obtain written consent from an authorized representative (in the case of parks owned, operated, or maintained by the City of Austin, the Director of the Austin Parks and Recreation Department). An application for a permit to install a node support pole must demonstrate that: no collocation options are available for the service area and no existing node support poles are within 250 feet of the proposed node support pole.
- B. Equipment Underground. Except for the antenna, a network node may not include equipment placed above ground level unless concealment of proposed above-ground network node equipment is of a design and appearance that has been approved in writing by the Director of the Austin Parks and Recreation Department prior to filing the application for the network node.

C. No Encroachment Into Municipal Parks. No part of a node, node support pole, transport facility, or associated network equipment may be permitted that encroaches into a municipal park beyond the right of way line as that line is established of record by deed or plat. No part of a node, node support pole, transport facility, or associated network equipment may occupy area on, above, or below that part of an improved or unimproved pedestrian path that extends beyond a right of way line, as that line is established of record by deed or plat.

### 12.7.3 - Historic Districts

- A. The City of Austin has both locally designated historic districts and National Register Historic Districts. Properties in Local Historic Districts are indicated by the addition of "HD" in the zoning designation for each parcel. National Register Historic Districts are administered by the Texas Historical Commission. A list of contributing properties and district maps can be found on the City of Austin's Historic Districts webpage. Nothing in this section is a local allowance or variance from approval under applicable federal law and regulations implementing the National Historic Preservation Act.
- ~~[B. Node support poles shall be placed within the planting zone and aligned with any existing trees or poles. Node support poles shall be placed between street trees, with a minimum separation of 15 feet from tree to pole.]~~
- ~~B. [C.]~~ Node support poles may not be placed in the public right-of-way within the Congress Avenue, Bremond Block, or Sixth Street National Register Historic Districts.
- ~~[D. Network nodes may not be placed on historic or decorative poles.~~
- ~~E. Network Node and Node Support Pole Design - Network nodes and node support poles must be designed to be compact and unobtrusive so as to minimize the visual impact on the surrounding streetscape. The applicant shall avoid using enclosures that are bulky or include distracting materials.~~
- ~~1. Placement - Nodes and equipment should be grouped or stacked close together on the same side of the pole. Large gaps between equipment and enclosures should be avoided.~~
  - ~~2. The color of a new node placed on any existing pole must match the color of the existing pole. For new poles in districts with a designated historic pole, the pole and node shall match the color of the designated historic pole for that district.~~
- ~~F. Cabinet Placement and Design - Equipment cabinets may be mounted to the pole, placed in the designated street furniture area, or located underground. Cabinets placed on poles must be located at least nine feet above ground level and follow the design standards described above in subsection E. The center of the cabinets must be located the same distance from the face of curb as street trees and service poles. Cabinets shall be designed to be unobtrusive and compatible with the surrounding environment.]~~

#### 12.7.4 - Historic Landmarks

- A. Historic Landmarks in the City of Austin are indicated by the addition of "-H" zoning designation for each parcel. Nothing in this section is a local allowance or variance from approval under applicable federal law and regulations implementing the National Historic Preservation Act.
- B. Site Selection - Nodes or new node poles must be placed at least 15 [20] feet from a property zoned as a Historic Landmark.