September 1\textsuperscript{st} Chapter 284 Takes Effect

Are you ready?
Chapter 284

• It’s terrible, horrible, no-good, very bad, awful legislation
• And it doesn’t matter – the Governor signed it on June 9th and it takes effect on September 1, 2017! Prepare NOW!
• If you do not have your ordinance and design manual in place, companies will not be subject to those requirements
• No moratorium (Section 284.151(c))
Chapter 284

• What do you need to do?
  • Review and amend your ROW ordinance
  • Add a Design Manual component
  • Prepare a Pole Attachment agreement
  • Review and modify Permit Applications
Chapter 284
ROW Ordinance / Design Manual

- My ordinances generally have three parts:
  - a general administrative section;
  - a right-of-way section for all ROW users;
  - and a design manual section
Chapter 284
ROW Ordinance / Design Manual

• But I already have a ROW ordinance? Don’t I just need to have a Design Manual?
• When was the ROW ordinance written? 10-20 years ago?
• Section 284.301 (b) “A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all person subject to the municipality.”
For example – it occurred to some of us that we will want to regulate colors of these nodes. But that is a requirement that could apply to – and should apply to – everyone using the ROW, so if that is a requirement you want, you should put in the ROW Management ordinance.
Chapter 284
ROW Ordinance / Design Manual

• Elements of ROW Management ordinance
• Sections include:
  • Title
  • Construction
  • Scope
  • Definitions (lots of definitions!)
Chapter 284
ROW Ordinance / Design Manual

- Sections include (continued)
  - Penalties
  - Application Fees
  - Registration requirements (includes insurance, indemnity, identification, updates)
  - Construction requirements
  - Construction standards
  - Plans of Record
Chapter 284
ROW Ordinance / Design Manual

- Sections include (continued)
  - Conformance with public improvements (relocations)
  - Improperly installed facilities
  - Restoration of property
  - Revocation or denial of permit
  - Appeal from revocation or denial of permit
Chapter 284
ROW Ordinance / Design Manual

• Sections included (continued)
  • Inspections
  • Abandoned facilities
  • Underground installation preferred
  • As built maps and records
  • Courtesy and proper performance
  • Drug policy
• Sections included (continued)
  • Tree maintenance
  • Signage
  • Graffiti abatement
  • Alternate means or method, waiver
  • Orderly use of the ROW by multiple users
Chapter 284
ROW Ordinance / Design Manual

- Design Manual (part of overall ROW ordinance)
- Sections include:
  - Purpose
  - Prohibited or Restricted Areas for Wireless Facilities in the ROW
    - Includes subsections on Parks, underground areas, Historic and Design districts, designated areas called out
Chapter 284
ROW Ordinance / Design Manual

• Sections include (continued)
  • Preferred locations
  • Order of preference
  • Placement requirements
  • Camouflage
  • General requirements – including non-interference
Chapter 284
ROW Ordinance / Design Manual

- Sections include (continued)
  - Concealment
  - Spacing
  - Ground equipment
  - Colors (refers back to ROW ordinance section)
  - Size limits
  - Municipal Service Poles
Chapter 284
ROW Ordinance / Design Manual

• Sections include (continued)
  • Electrical supply
  • Installation and inspections
  • Standard pole load analysis
  • Removal and relocation
  • Network provider’s responsibility
  • Abandonment
  • General provisions
  • Updates
Chapter 284
ROW Ordinance / Design Manual

• I also provided for an appeals process
• That is something someone may or may not want to have. It is not in Chapter 284. I thought it would provide an administrative remedy if there is an issue
• There is no PUC oversight (like there is for Chapter 283). Problems are taken to court
Chapter 284

- What else do you need?
- Agreement to get on city facilities (can require an agreement, but cannot say no)
- Provide for administrative authority to sign agreement?
- Application and permit forms
- Familiarize staff with time limits for approval of permits
Chapter 284

- What else?
- Consider how to handle payments, how to handle notices for increases, how to handle permit fees (who pays? Who doesn’t? who is capped?)
- Issues that concern the *ExteNet* case – for companies who want even more than they got under chapter 284.
Questions?