



Wireless Telecommunications Facilities within the Public Right-of-Way



FRESNO CITY COUNCIL
WORKSHOP
November 3, 2016

Why Does Fresno Need a New Policy?

- * Changes in technology
- * Telephone lines -> Fiber -> Wireless Telecommunications Facilities
- * City Standards and Policies currently address:
 - * On-site telecommunications facilities (i.e. cell towers)
 - * Underground fiber and telecommunications
 - * ADA Clearances
 - * Conversion of overhead to underground with new development
- * A policy is needed for Wireless Telecommunications Facilities in the Public Right-of-Way



Why Does Fresno Need a New Policy ?

- * The need for more and faster cell phone service has exploded. Wireless providers are all competing for more antenna locations and better coverage.
- * The City has policies and standards for below grade infrastructure but no policies for poles, antennas and cabinets.
- * State and Federal Laws require that cities allow public utilities within the right-of-way.
- * California Court of Appeals and 9th Circuit Court have upheld the city's right to discretionarily grant wireless carriers access to city right-of-way.
- * Municipalities can charge a processing fee but cannot charge rent for using the right-of-way. The City can lease street light and traffic signal poles.
- * Cities can regulate aesthetics and establish standards.
- * Some citizens have expressed concerns about radio-frequency emissions (RF).



Wireless Telecommunications Facilities within the Public Right-of-Way

- * The City cannot legally prohibit new facilities within the right-of-way if the applicant is a certified Public Utility provider
- * The existing Development and Resources Management (DARM) policy was drafted to address cell facilities on private property
- * Mobile providers are installing small towers within the right-of-way in other cities
- * The City has received several applications



Goals and Elements of a New Policy

- * Encourage collocation but do not prohibit new poles
- * New poles need to be set back from intersections and driveways to provide line-of-site for motorists
- * Require five feet of sidewalk clearance for clear path of travel.
- * Prohibit new poles in front of a single-family or multi-family homes unless in front of block wall
- * Require permittees to move poles if street needs to be widened or modified, similar to our agreements with PG&E

Proposed Design Criteria

- * Any new poles must be metal, no restriction on existing wood poles, but permit still required
- * Height limit of 45 feet, but can go higher with PW Director approval
- * No larger than 24-inch base diameter
- * Pole mounted equipment must be concealed
- * Ground-mounted equipment discouraged but one cabinet would be allowed
- * Electrical service must be underground for a new pole
- * Cables must be inside pole or in conduit on wood poles
- * PW Director can approve minor technical exceptions



Procedural Guidelines

- * Conditional Use Permit (CUP) required, same as on private property
- * Street Work Permit required for contractor
- * Modifications to existing facilities can be accomplished with an amended CUP
- * Encourages pre-submittal conference, but not required
- * Requires a site-plan that shows all equipment that is proposed and existing homes, and other buildings



Standard Conditions of Approval

- * Permit must be renewed every 10 years
- * Permittee must remove any graffiti within 48 hours of notification
- * Permittee must indemnify and hold harmless the City
- * Permittee shall not use standby power generator except during primary power failure



Next Steps



November 17, 2016: staff to bring forward a City Council agenda item to recommend adoption of a new policy

Following Council adoption: Public Works to implement the permitting process.

Questions and Discussion