

EFFECTIVE AUGUST 31, 2017



**Design Manual for the Installation  
of Network Nodes  
and Node Support Poles**

**I. Purpose**

- A. The City of Grand Prairie (hereinafter "City") encourages the deployment of state-of-the-art small cell wireless technology within the City for the many benefits it promises the citizens of Grand Prairie including increased connectivity and reliable networks and services.
- B. The standards and procedures provided in this *Design Manual for the Installation of Network Nodes and Node Support Poles* (hereinafter "*Design Manual*") are adopted to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the City's Right-of-Way and to minimize and reduce impacts to the City, its residents and visitors; and for the general health and welfare of the public As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.3011, the City enacts this Design Manual in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.
- C. Due to the increasing number of requests for facilities in the City's Right-of-Way, the City has revised the "Right-of-Way Management" Article of the Code of Ordinances to be specifically applicable to all public service providers including Wireless Service Providers or Network Providers (collectively, "Providers") as defined by Chapter 284 of the Texas Local Government Code ("LGC").
- D. In addition, the City has adopted this *Design Manual* to provide technical criteria and details necessary for Providers seeking to install and construct network nodes, node support poles, and related ground equipment in the City's Right-of-Way.
- E. Providers shall adhere to the requirements found in the "Right-of-Way Management" Article of the Code of Ordinances, the Unified Development Code, and this *Design*

*Manual* for the placement of their facilities within the City's Right-of-Way.

- F. To the extent of any conflict with the Code of Ordinances or the Unified Development Code, this *Design Manual* shall control with regard to a Provider.

## II. Definitions

For purposes of this *Design Manual* the following terms shall have the same meanings herein. The definitions as used in Tx. Loc. Gov. Code, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural. The word "shall" is always mandatory and not merely permissive.

- A. "*Abandon*" and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the network nodes and node support poles, or portion thereof, has the ability to provide communications.
- B. "*City*" means the City of Grand Prairie, Texas and the City's officers and employees.
- C. "*Concealment*" or "*Camouflaged*" means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with architectural façade, surrounding area design, painted to match the supporting area, or disguised with artificial tree branches to resemble a tree.
- D. "*Decorative pole*" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.
- E. "*Network node*" means Provider's equipment as defined by Chapter 284 of the Texas Local Government Code.

- F. *"Node support pole"* means a pole as defined by Chapter 284 of the Texas Local Government Code.
- G. *"Park"* means the various properties under the direction, control and supervision of the City's Director of Parks, Arts and Recreation Department pursuant to the authority granted by City Council and the City Code of Ordinances.
- H. *"Permit" or "Network Node Permit"* means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.
- I. *"Right-of-Way" or "Public Right-of-Way"* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include a private easement or the airwaves above a public right-of-way with regard to wireless telecommunications.
- J. *"Street"* means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "Street" is generally part of, but smaller in width than the width of the entire right-of-way. While a right-of-way may include sidewalks and utility easements, a "Street" does not. A "street" does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later. A "Street" does not include the intersection and refers only to the main traveled portion measured at mid-block or mid-point between intersections.
- K. *"Traffic Signal"* means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.
- L. *"Underground Utility District"* means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground.
- M. *"Wireless facilities"* mean "Micro Network Nodes," "Network Nodes," and/or "Node Support Poles" as defined in Texas Local Government Code Chapter 284.

### **III. Permitting**

#### **3.1 Attachment to Existing Poles.**

- i. Prior to installation or modification of a network node or node support pole, Provider shall complete and submit a City-issued Network Nodes Permit application to the City, along with standard required documents and the following items:
  - A. Permit fee.
  - B. Aerial Map showing the location of the existing pole to which the network node is proposed to be attached, an image of the pole, and a street view image.
  - C. Plans to scale and drawings prepared by a professional engineer licensed in the State of Texas that has evaluated the existing pole or infrastructure: (1) for structural stability, (2) the capacity to carry proposed network nodes, (3) the ability to bear the wind load, and (4) whether the installation will require pole replacement. If the existing pole is insufficient and replacement is necessary, Provider shall provide engineering design and specification drawings for the replacement to the existing pole. Any pole replacement shall be at Provider's sole cost. All replacement poles shall match the character of the pre-existing pole in order to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.
  - D. Scaled drawings showing dimensions of the proposed attachments of the network node to the existing poles or structures as well as any other proposed equipment associated with the proposal. Drawings shall indicate the spacing from existing curb, driveways, sidewalk, and other existing light poles and any other poles or appurtenances. This shall include a before-and-after image of the pole and all proposed attachments and associated standalone equipment.
  - E. Scaled construction plans indicating the current Right-of-Way line and showing the dimensions of the proposed underground conduit and equipment, and its spacing from existing utilities. The drawings shall also show a sectional profile of the Right-of-Way and identify all existing utilities and any conflicts with existing utilities.
  - F. If a City pole is proposed, the City pole ID number shall be provided and LAT/ LON and elevation datum based NAVD 88. The applicant shall provide analysis that the proposed network node will not cause

any interference with City public safety radio system, traffic signal light system, or other City communications components. It shall be the responsibility of the Provider to evaluate, prior to making the application for the permit, the compatibility between the existing City infrastructure and the Provider's proposed infrastructure and provide proper clearance from existing facilities or other effective measures to avoid interference. A network node shall not be installed in a location that causes any interference. Network nodes shall not be allowed on City's public safety radio infrastructure.

- G. A traffic control plan and trench safety plan may also be required based on the proposed scope of work.
- H. The City-issued Network Node permit authorizes use of City Right-of-Way. Providers/applicants are responsible for obtaining permission on non-city-owned infrastructure. If the project lies within the State Right-of-Way, the applicant must provide evidence of a permit from the State.

ii. The proposal shall comply with the following standards to utilize an existing pole:

- A. Any facilities located off pole must be installed in cabinetry or an enclosed structure underground, except for the electric meter pedestal. Facilities shall not block/alter any drainage flows. Facilities on pole shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There shall be no external cables or electric wire/cables on poles or structures or aerial wires or cables extending from the pole or structure. There shall be no obstruction to City utilities and facilities.
- B. The electrical meter **shall not** be mounted on a City's metal pole or structure. Provider shall use 240 voltage when connecting to any City infrastructure and provide key to meter upon inspection.
- C. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with TAS, ADA and shall not obstruct an existing or planned sidewalk or walkway.
- D. All proposed projecting attachments to the pole shall provide a minimum vertical clearance of eight (8) feet. If any attachments are projecting along or over curb or edge of street towards the street side, it shall provide a minimum vertical clearance of 16 feet and be clear and maintain adherence to minimum ADA guidelines.
- E. The color of the network nodes shall match the existing pole color such

that the network nodes blend with the color of the pole to the extent possible. City reserves the right to deny a certain style of node due to its difference in color to existing poles.

F. There shall be no other pole, with small cell attachments permitted/under application review, within 300 feet of the subject pole. Provide LAT/LON of each of the nearest existing location and proposed locations.

G. Municipal Service Poles:

1. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with an agreement as allowed by LGC Sec. 284.056 and Sec. 284.101 (a) (3), and (b).
2. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.
3. *Height of attachments:* All attachments on all Service Poles shall be at least 8 feet above grade, in accordance LGC Sec. 284.108 (a) (1) - (2) . If any attachments are projecting along or over curb or edge of street towards the street side, it shall provide a minimum vertical clearance of 16 feet and be clear and maintain adherence to minimum ADA guidelines.
4. *Installations on Traffic Signals:* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:
  1. Be encased in a separate conduit than the traffic light electronics;
  2. Have a separate electric power connection than the traffic signal structure; and
  3. Have a separate access point than the traffic signal structure.

5. *Installations on Street signage:* Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that are electrified shall:
  1. Be encased in a separate conduit than any City signage electronics;
  2. Have a separate electric power connection than the signage structure; and
  3. Have a separate access point than the signage structure.

### **3.2 Installation of New Poles.**

- i. *Proposal for New Pole.* Prior to installation or modification of a node support pole, Provider shall complete and submit to the City a Network Node Permit application. Along with standard required documents, the following items will also be required for the ROW Permit application:
  - A. Permit fee.
  - B. Map showing intended location of the node support pole. Aerial Map showing the location of the proposed new pole, and a street view image of the location.
  - C. The applicant shall provide an analysis showing that the proposed new node support pole is spaced at least three hundred (300) linear feet from another existing pole that is capable of supporting network nodes along the proposed location, unless otherwise approved by the City in writing.
  - D. Scaled drawings showing the dimensions of the proposed node support pole as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk, light poles, and any other poles or appurtenances. This shall include a before-and-after image of the pole. The after-image shall include the proposed pole and all proposed attachments and associated equipment.
  - E. Scaled construction plans indicating the current Right-of-Way line easements and showing the dimensions of the proposed underground conduit and equipment, and its spacing from existing facilities lines. The drawings shall also show a sectional profile of the Right-of-Way and identify all existing utilities and existing utility conflicts.

- F. A traffic control plan and trench safety plan may also be required based on the proposed scope of work.
  - G. The applicant shall provide an analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components. It shall be the responsibility of Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed infrastructure. A network node shall not be installed in a location that causes any interference. Network nodes shall not be allowed on City's public safety radio infrastructure.
  - H. If the project lies within the State Right-of-Way, the applicant must provide evidence of a permit from the State.
- ii. The proposal shall comply with the following standards:
- A. Any facilities located off pole must remain in cabinetry or enclosed structure underground. Facilities on pole shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the pole or structure. Shroud poles, as shown in the below image, are encouraged.
  - B. The electrical meter shall not be mounted on City's poles or structures. Provider shall use 240 voltage when connecting to any City infrastructure and provide key to meter upon inspection.
  - C. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground shall comply with TAS, ADA and shall not obstruct an existing or planned sidewalk or walkway.
  - D. Wooden poles are prohibited. All new poles are required to be break-away in the event of an impact and black powder-coated. All attachments for the network nodes shall also match the color of the network support pole. All network support poles shall match the existing poles in the surrounding block or district in which the network support pole is located in order to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.
  - E. Upon approval of the permit, the Provider shall call for utility locates. If City of Grand Prairie Water Utility locates are needed, Provider is required to contact



Grand Prairie Water Utilities at 972-237-8413.

**3.3. Electrical Permit.**

- A. Provider shall be responsible for obtaining any required electrical power service to the network nodes and node support poles or structures. Provider's electrical supply shall be separately metered from the City and must match City infrastructure voltage.
- B. Provider shall apply with City for the electrical permit and provide sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, or other informatino as required by the Building Official.

**4. Network Node and Node Support Pole Requirements**

**4.1. Installation.**

4.1.1. Provider shall, at its own cost and expense, install the network nodes and node support poles in a good and workmanlike manner and in accordance with the requirements promulgated by the *Design Manual*, "Right-of-Way Management" Article of the Code of Ordinances, the Unified Development Code, and all other applicable laws, ordinances, codes, rules and regulations of the City, the state, and the United States ("Laws"), as such may be amended from time to time. Provider's work shall be subject to the regulation, control and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the network nodes and node support poles shall be in compliance with all applicable Laws.

4.1.2. *Concealment*

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

2. It is also the City's preference that all new node support poles be camouflaged, particularly in areas adjacent to residential zoning districts and in areas of high traffic such as downtown or Design Districts. Companies shall submit their proposal for camouflage with the permit application.

3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible, or visually minimized to the extent possible. Facilities shall be installed in strict accordance with the City's rights-

of-way management ordinance, and other applicable ordinances, except to the extent not consistent with LGC Chapter 284.

#### 4.2 **Inspections.**

- A. The City may perform visual inspections of any network nodes and node support poles located in the Right-of-Way as the City deems appropriate without notice. If the inspection requires physical contact with the network nodes or node support poles, the City shall provide written notice to the Provider at least five business days prior to the planned inspection. Provider may have a representative present during such inspection.
- B. In the event of an emergency situation, the City may, but is not required to, notify Provider of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify Provider as soon as practically possible after remediation is complete.

#### 4.3. **Placement.**

- A. *Parks.* Placement of network nodes and node support poles in any Parks, Park roads, sidewalk, or property is prohibited unless such falls within the definition of Public right-of-way in Chapter 284 of the Texas Local Government Code and the placement complies with applicable Laws, private deed restrictions, and other public or private restrictions on the use of the Park. In accordance with LGC Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal Park. Each permit application shall disclose if it is within a Municipal Park.
- B. *City Infrastructure.* Provider shall neither allow nor install network nodes or node support poles on any City property that falls outside the definition of Public Right-of-Way in Chapter 284 of the Texas Local Government Code.
- C. *Residential Streets.* Provider shall neither allow nor install network nodes or node support poles in Right-of-Way that is adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions. The street shall be measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel

where there is no curb. The measurement does not include intersection and refers only to the main traveled portion measured at mid-block or mid-point between intersections.

D. *Historic Districts and Design Districts.*

1. In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.
2. A list of designated Districts is attached as Appendix 1. The failure to designate an area in this Design Manual shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as a Design District at any time.
3. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.
4. The City requests that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.
5. Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.
6. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned

or otherwise designated as a Design District or Historic District.

7. Colors in Historic Districts and Design Districts must be in strict accordance with the City's rights-of-way management ordinance, the Unified Development Code and other applicable ordinances, except to the extent not consistent with Chapter 284.
  8. *Decorative Poles.* Provider shall neither allow nor install network nodes on a Decorative Pole as defined by Chapter 284 of the Texas Local Government Code, unless approved by the City in writing. This standard shall be applicable to all the decorative poles in the Districts designated in Appendix 1, as well as any others citywide or in the future. The City may only entertain proposals if they are stealth.
- E. *Poles.* Wireless Facilities shall be installed at least eight (8) feet above the ground. If any attachments are projecting towards the street side, it shall provide a minimum vertical clearance of 16 feet.
- F. *Ground Equipment:*
1. *Ground Equipment near street corners and intersections.* Ground equipment should be minimal and as minimally intrusive as possible. In accordance with LGC 284.102 (1), ground equipment may not be installed within 250 feet of a street corner or a street intersection in order to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way, the maximum line of sight required to aid to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations.
  2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Manager and Parks Director in writing.
- G. *Right-of Way.* Node support poles and ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of- Way line. Node support poles and ground equipment or network nodes shall not impede

pedestrian or vehicular traffic in the Right-of-Way. If a node support pole and ground equipment or network node is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Provider shall remove the node support poles, ground equipment or network nodes and a new permit shall be required.

#### **4.4 Fiber Connection.**

Provider shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its node support poles or network nodes.

#### **4.5 Generators and power service.**

Provider shall not allow or install generators or back-up generators in the Right-of-Way. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

#### **4.6 Equipment Dimensions.**

Provider's node support poles and network nodes shall comply with the dimensions set forth in Chapter 284 of the Texas Local Government Code.

#### **4.7 Tree Maintenance.**

Provider, its contractors, and agents shall obtain written permission from the City before trimming trees hanging over its node support poles and network nodes to prevent branches of such trees from contacting node support poles and network nodes. Tree maintenance shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284. When directed by the City, Provider shall trim under the supervision and direction of the Code Compliance Manager. The City shall not be liable for any damages, injuries, or claims arising from Provider's actions under this section.

#### 4.8 **Signage.**

- A. Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City.
- B. Except as required by Laws or by the utility pole owner, Provider shall not post any other signage or advertising on the node support poles and network nodes, or utility pole.

#### 4.9 **Overhead Lines Prohibited.**

- (a) In Underground Utility Districts, Provider shall neither allow nor install overhead lines connecting to node support poles. All overhead lines connecting to the node support pole where other telecommunications or utility lines are located or are planned to be buried below ground as part of a project shall be buried below ground.
- (b) In accordance with LGC 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.
- (c) If a location is designated by the City to transits to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location required within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

#### 4.10 **Repair.**

Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of the node support poles or network nodes, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the

City to be damaged or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any Laws, Provider, at its sole cost and expense, shall promptly repair and return such property to its original condition. If Provider does not repair such property or perform such work as described in this paragraph, then the City shall have the option, upon 15 days' prior written notice to Provider or immediately if there is an imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of Provider and to charge Provider for the reasonable and actual costs incurred by the City. Provider shall reimburse the City for the costs.

**4.11 Graffiti Abatement.**

As soon as practical, but not later than fourteen (14) days from the date Provider receives notice thereof, Provider shall remove all graffiti on any of its node support poles and network nodes located in the Right of Way.

**4.12 Inventory**

- A. Provider shall maintain a list of its network nodes and node support poles and provide City an Inventory of locations within ten (10) days of installation. The Inventory of network nodes and node support poles shall include GIS coordinates, date of installation, City pole ID number (if applicable), type of pole used for installation, pole owner, and description/type of installation for each network node and node support pole installation.
- B. Upon City's written request, Provider shall provide a cumulative Inventory within thirty (30) days of City's request. Concerning network nodes and node support poles that become inactive, the Inventory shall include the same information as active installations in addition to the date the network node and/or node support pole was deactivated and the date the network node and/or node support pole was removed from the Right-of-Way. City may compare the Inventory to its records to identify any discrepancies.

**4.13 Reservation of Rights.**

- A. The City reserves the right to install, and permit others to install, utility facilities in the Rights-of-Way. In permitting such work to be done by others, the City shall not be liable to Provider for any damage caused by those persons or entities.
- B. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic

signal system and protect public safely.

- C. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the right-of-way in the manner that best enables the City's operations.

#### **4.14 Coordination of Traffic Signal Maintenance Activities and Emergency Response**

Provider will provide City a key to each meter box at the time of inspection and have the ability to temporarily cut-off electricity to its facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks, City will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect Provider's network nodes, Provider shall have the sole responsibility to repair or replace its network nodes and shall coordinate its own emergency efforts with the City.

### **9. Interference with Operations**

#### **5.1 No Liability**

- A. The City shall not be liable to Provider for any damage caused by other Providers with Wireless Facilities sharing the same pole or for failure of Provider's network nodes for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.
- B. The City shall not be liable to Provider by reason of inconvenience, annoyance or injury to the network nodes or node support poles or activities conducted by Provider therefrom, arising from the necessity of repairing any portion of the Right-of-Way, or from the making of any necessary alteration or improvements, in, or to, any portion of the Right-of-Way, or in, or to, City's fixtures, appurtenances or equipment. The City will use reasonable efforts not to cause material interference to Provider's operation of its network nodes or node support poles.

#### **5.2 Signal Interference with City's Communications Infrastructure Prohibited.**

- A. *No interference.* In the event that Provider's network nodes interferes with the City's traffic signal system, public safety radio system, or other City communications infrastructure operating on spectrum where the City is



legally authorized to operate, Provider shall promptly cease operation of the network nodes causing said interference upon receiving notice from the City and refrain from operating. Provider shall respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.

- B. *Protocol for Responding to Event of Interference.* The protocol for responding to events of interference will require Provider to provide the City an Interference Remediation Report that includes the following items:
1. *Remediation Plan.* Devise a remediation plan to stop the event of inference;
  2. *Time Frame for Execution.* Provide the expected time frame for execution of the remediation plan; and
  3. *Additional Information.* Include any additional information relevant to the execution of the remediation plan.
- C. In the event that interference with City facilities cannot be eliminated, Provider shall shut down the network nodes and remove or relocate the network node that is the source of the interference as soon as possible to a suitable alternative location made available by City.
- D. Following installation or modification of a network node, the City may require Provider to test the network node's radio frequency and other functions to confirm it does not interfere with the City's Operations.

## **VI. Abandonment, Relocation and Removal**

### **6.1 Abandonment of Obsolete Network Nodes and Node Support Poles**

Provider shall remove network nodes and node support poles when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the network nodes and node support poles being abandoned or within 90 days of receipt of written notice from the City. When Provider removes or abandons permanent structures in the Right-of-Way, the Provider shall notify the City in writing of such removal or abandonment and shall file with the City the location and description of each network node or node support pole removed or abandoned. The

City may require the Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

## **6.2 Relocation and Removal at Provider's Expense**

- A. Provider shall remove and relocate its network nodes and node support poles at its own expense to an alternative location not later than one hundred twenty (120) days after receiving written notice that removal, relocation, and/or alteration of the network nodes and/or node support poles is necessary due to:
1. Construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project or other public improvement project; or
  2. Maintenance, upgrade, expansion, replacement, removal or relocation of the City's pole or structure upon which Provider's network nodes are attached; or
  3. The network node or node support pole, or portion thereof, is adversely affecting proper operation of traffic signals, streetlights or other City property;
  4. Closure of a street or sale of City property; or
  5. Projects and programs undertaken to protect or preserve the public health or safety; or
  6. Activities undertaken to eliminate a public nuisance; or
  7. Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its network nodes or node support poles; or
  8. Duty otherwise arising from applicable law.
- B. Provider's duty to remove and relocate its network nodes and node support poles at its expense is not contingent on the availability of an alternative location acceptable for relocation. City will make reasonable efforts to provide an alternative location within the Right-of-Way for relocation, but regardless of the availability of an alternative site acceptable to Provider, Provider shall comply with the notice to remove its network nodes and node support poles as instructed.

- C. The City may remove the network node and/or node support pole if provider does not remove such within one hundred twenty (120) days. In such case, Provider shall reimburse City for the City's actual cost of removal of its network nodes and node support poles within 30 days of receiving the invoice from the City.

### **6.3 Removal or Relocation by Provider**

- A. If the Provider removes or relocates at its own discretion, it shall notify the City in writing not less than 10 business days prior to removal or relocation. Provider shall obtain all Permits required for relocation or removal of its network nodes and node support poles prior to relocation or removal.
- B. The City shall not issue any refunds for any amounts paid by Provider for network nodes and node support poles that have been removed.

### **6.4 Restoration**

Provider shall repair any damage to the Right-of-Way, and the property of any third party resulting from Provider's removal or relocation activities (or any other of Provider's activities hereunder) within 10 business days following the date of such removal or relocation, at Provider's sole cost and expense, including restoration of the Right-of- Way and such property to substantially the same condition as it was immediately before the date Provider was granted a Permit for the applicable location, including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

### **6.5 Provider Responsible**

Provider shall be responsible and liable for the acts and omissions of Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub lessees, and subcontractors in connection with the performance of activities within the City's right-of-way, as if such acts or omissions were Provider's acts or omissions.

## **VII. Insurance, Indemnity and Bonding Requirements**

7.1. Insurance, bonding and security deposits shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances and policies, except to the extent not consistent with Chapter 284.

7.2. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

## **APPENDIX 1**

### **DESIGNATION OF DESIGN DISTRICTS, HISTORIC DISTRICTS AND UNDERGROUND UTILITY DISTRICTS**

#### **Design Districts:**

1. Corridor Overlay District
2. IH-30 Overlay District
3. SH-360 Overlay District
4. Hospital District
5. Beltline Corridor Overlay District
6. Central Business Districts (CBD)
7. IH-20 Overlay District
8. SH-161 Overlay District
9. Lakeridge Parkway Overlay District

#### **Historic Districts:**

None.

#### **Underground Utility Districts:**

None.

