



Request for City Council Committee Action from the Department of Public Works

Date: March 24, 2015

To: Honorable Kevin Reich, Chair Transportation and Public Works Committee

Subject: **Ordinance Change and Fee Resolution: Amend Title 17, Streets and Sidewalks: Use of City Owned Infrastructure as it Relates to Pole Attachments on Right of Way**

Recommendation:

Set a public hearing for April 7, 2015, to consider amendments to Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks, by adding a new Chapter 451 to be entitled "Use of City Owned Infrastructure" that establishes a process and procedure for applicants to obtain permits to attach communications equipment to City owned infrastructure). Also to consider a fee resolution to establish fees for permits to attach equipment to City owned infrastructure.

Previous Directives: None

Prepared by: Timothy Drew, Sr. Professional Engineer, 673-2152

Approved by: _____
Steven Kotke, P. E., Director of Public Works

Presenter in Committee: Timothy Drew, Sr. Professional Engineer

Reviews

Permanent Review Committee (PRC):	Approval: Not Applicable
Civil Rights Approval:	Approval: Not Applicable
Policy Review Group:	Approval: Not Applicable

Financial Impact

Action is within the approved budget.

Community Impact

Neighborhood Notification: Public input will be sought.

City Goals: Great Places - Natural and built spaces work together and our environment is protected.

Background/Supporting Information:

The City has received a number of requests to attach cellular antennas to City-owned infrastructure (street light poles) which will allow cellular companies to manage signal

demand in areas with a high density of people or large buildings such as downtown Minneapolis.

In order to respond to these requests in a consistent and fair manner, Public Works and the City Attorney's Office has prepared for Council consideration a proposed amendment to the Code of Ordinances to specifically address requests to locate on City-owned infrastructure. The amendment will also streamline the process for efficient use of staff time because it is expected that these requests will increase in the future.

The ordinance amendment will address issues regarding requests to locate on City-owned infrastructure in City right-of-way by establishing a uniform procedure to enable the City to:

- Permit fair, reasonable, and non-discriminatory access to the available capacity on City-owned infrastructure located within the public right-of-way and to do so in an equitable manner consistent with the Telecommunications Act of 1996, Minnesota Statutes, Section 237.163 and other laws;
- Safeguard the reliability and integrity of City-owned infrastructure located in the public right-of-way;
- Obtain fair compensation for the use of City-owned infrastructure through reasonable fees and other charges;
- Comply with applicable federal, state, and local regulation as applied to City-owned infrastructure placed within the right-of-way;
- Support cost-effective, optimal use of public resources and support economic development;
- Manage the public right-of-way to protect the public health, safety, and welfare by minimizing the congestion, inconvenience, cost, visual impacts, deterioration, safety hazards and other adverse effects on the public right-of-way, which could result from the construction, operation, and maintenance of additional structures constructed by service providers.

The Director of Public Works has developed and will maintain a Right-of-Way Pole Attachment Policy (attached) which will work in conjunction with this ordinance amendment.

The policy will address installations, operations, maintenance, fees, insurance and other procedural requirements.

Attachments: Proposed Ordinance Amendment, Title 17, Section 451, Use of City Owned Infrastructure

Fee Resolution – Establish fees for permits to attach equipment to City owned infrastructure

Right of Way Pole Attachment Policies pursuant to Minneapolis Code of Ordinances, Section 451.30 (B)