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Cell Site Applications in a 5G World: Reconciling State and Federal Rules

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Design Manual

for the

Installation of Network Nodes and Node Support Poles pursuant to Texas Local. Government Code, Chapter 284.

Promulgated Pursuant to Dallas City Code Chapter 43 Article VIII

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Dallas ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

Purpose: Chapter 284 of the Texas Local Government Code allows certain wireless Network providers to install in the Public rights-of-way their wireless facilities, described and defined in Texas Local Government Code, Chapter 284, Sec. 284.002 as "Micro network nodes", "Network nodes", and "Node support poles".

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301, the City enacts these Design Guidelines 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.

Applicability: This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro network nodes, Network nodes, Node support poles, and related ground equipment being installed pursuant to Chapter 284 of the Texas Local Government Code.

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284 of the Texas Local Government Code, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

Compliance with City Public Rights-of-Way Management Ordinance and All Applicable State and Federal Law: A Network provider shall comply with the City's Public rights-of-way management ordinance except where in conflict with this Design Manual or Chapter 284, Subchapter C of the Texas Local Government Code. All facilities must comply with all applicable state and federal requirements, including the Americans with Disabilities Act and must not create a visibility or accessibility issue as finally configured. No components may obstruct any signage or signals. All components must be positioned as to assure that all intersection and driveway visibility requirements are maintained.

SECTION 2. DEFINITIONS.

1. General Definitions

The definitions as used in Texas Local Government Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2.

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 calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Dallas, Texas, a home-rule municipality.

City Manager shall mean City Manager or designee.

Chapter 284 means Texas Local Government Code, Chapter 284.

Collocate and c*ollocation* mean the installation, mounting, maintenance, modification, operation, or replacement of Network nodes in a public right-of-way on or adjacent to a pole.

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 surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

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.

Design District means an area the city council has designated as a:

(A) public improvement district pursuant to Chapter 372 of the Texas Local Government Code, as amended;

(B) reinvestment zone pursuant to Chapter 311 of the Texas Tax Code, as amended;

(C) planned development zoning district;

(D) form zoning district subject to Chapter 51A of this code, as amended; or

(E) conservation district.

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