



Legislation Text

File #: 20-0870, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 3, 2020

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Introduction of a Five (5) year Telecommunications Facility License Agreement with Crown Castle Fiber, LLC., to permit Crown Castle Fiber LLC., to occupy the City's Rights-of-Ways to attach Small Cell Facilities on Approved Poles within the City of Alexandria's Public Rights-of-Ways.

ISSUE: Consideration of a five-year Telecommunications Facility License Agreement with Crown Castle Fiber LLC. to permit Crown Castle Fiber, LLC. to install Small Cell Facilities on Approved Third-Party owned Poles in the City of Alexandria's Public Rights-of-Ways.

RECOMMENDATION: That City Council: (1) consider the attached five-year license agreement with Crown Castle Fiber LLC., ("Crown Castle") and set it for public hearing on Saturday, June 20, 2020, and (2) after the public hearing authorize the City Manager to execute the license agreement and to take any other actions that are necessary to implement the agreement.

BACKGROUND: City Council in October 2019 approved almost identical Telecommunications Facility License Agreements with Verizon and AT&T. Crown Castle has submitted a similar license agreement.

DISCUSSION: The significant provisions of the proposed agreement (Attachment 1) are summarized below:

1. **Term of the Agreement:** The Agreement term is five (5) years and the term will begin from the date that the parties sign the agreement. Under state law, Crown Castle is entitled to obtain an agreement for a term of ten (10) years. However, as you are aware, for City Council to grant any agreement with a term greater than five (5) years would require the initiation of the franchise process under Virginia Code § 15.2-2100, et seq. Crown Castle, similar to Verizon and AT&T will participate in the franchise process which will enable these companies to have a longer-term agreement and deploy their City approved

equipment and facilities City wide. The initiation of the franchise process and agreement on facility and pole designs were delayed due to the pandemic. However, staff anticipates the initiation of the franchise process in the Fall 2020.

2. Equipment/Poles Governed by the Proposed Agreement: This agreement grants Crown Castle to the right to attach to approved poles listed on Exhibit A to the Agreement. Most of these poles are owned by Dominion Power. These poles and equipment have been reviewed and approved by City staff as meeting the zoning and aesthetic requirements of the local, state and federal requirements. The approved facilities' designs are also set forth on Exhibit A-1 to A-4 to the agreement (Attachment 3).
3. Compensation: Under state law, the City will receive a one-time administrative fee of \$750 for staff time in reviewing applications. Regarding the approved poles and equipment, Crown Castle submitted 12 applications and the City's total fees are \$1,100.
4. Removal/Relocation of Facilities: The City can require Crown Castle to remove, relocate or reconfigure its facilities in order to protect the public health, safety and welfare. If this determination is made, Crown Castle is required to make any such changes at its expense. In addition, if Crown Castle determines that it no longer is using the facilities it is to remove the facilities from the City's public rights-of-ways at its expense.
5. Insurance: Crown Castle is required to maintain adequate insurance to protect the City and its residents against claims arising from the installation and deployment of the facilities.

It should be noted that under federal and state laws and regulations, the City has very limited latitude in denying the locating of small cell equipment on new utility poles, and staff has already applied that latitude in reviewing the 12 proposed locations listed in Exhibit A (Attachment 2).

FISCAL IMPACT: The City will receive a one-time administrative fee of \$750, and application fees of \$1,100 for 12 poles.

ATTACHMENTS:

1. Crown Castle Fiber, LLC, Telecommunications Facility License Agreement
2. Exhibit A: Listing of Approved Poles
3. Exhibit A1-A4 Crown Castle Designs

STAFF:

Emily A. Baker, Deputy City Manager
Joanna C. Anderson, City Attorney
Karen S. Snow, Senior Assistant City Attorney
Lalit Sharma, P.E., Acting Deputy Director, T&ES-DROW
Tony LaColla, AICP, Division Chief, P&Z - Land Use Services