ORDINANCE NO. 19-017

AN ORDINANCE OF THE CITY OF BEAUMONT, TEXAS, REPEALING IN ITS ENTIRETY ARTICLE 14.03, DIVISION 4, RIGHT-OF-WAY MANAGEMENT REGULATIONS, OF CHAPTER 14, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF BEAUMONT, AND REPLACING IT WITH THIS NEW ARTICLE 14.03, DIVISION 4, RIGHT-OF-WAY MANAGEMENT REGULATIONS, TO CONFORM TO NEW RULES ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION PURSUANT TO ITS DECLARATORY RULING, REPORT AND ORDER RELATED TO SMALL CELL TECHNOLOGY AND ADOPT OTHER MINOR CHANGES, AND PROVIDNG PENALTY CLAUSE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the state has delegated to each city the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public, subject to state law; and,

WHEREAS, the City Council has determined that excavations in city streets may significantly interfere with the public use of the streets and result in a negative impact to public safety, air quality, level of service on streets and sidewalks, and aesthetics of the community; and,

WHEREAS, the City Council finds excavations in paved streets significantly degrades and shortens the life of the surface of the streets, and increases the frequency and cost to the public of requisite resurfacing, maintenance and repair; and,

WHEREAS, the City Council has determined that substantial public funds have been invested to build, maintain and repair the city streets and utilities; and,

WHEREAS, the Federal Communications Commission issued a declaratory ruling, report and order, FCC WT Docket No. 17-79, dated September 26, 2018, (the "Order") adopting new rules addressing the deployment of small wireless facilities in public rights-of-way, such rules to take effect upon passage; and,

WHEREAS, cities retain the authority to manage the public right-of-way to ensure the health, safety, and welfare of the public; and,

WHEREAS, it is desirable to adopt regulations to protect the structural integrity of city streets and safeguard the value of the public infrastructure; and,

WHEREAS, it is also desirable, reasonable and in the interest of public safety to impose regulations to reduce clutter and unsightly deployment as a public harm; and,

WHEREAS, the City of Beaumont reasonably anticipates that the actual and direct cost of processing permit applications for network providers will exceed the presumptively reasonable amounts of $500 per application covering up to five network nodes, $250 for each additional network node per application, and $1000 per application for each pole currently allowed by Texas Local Government Code Chapter 284, and the Order, however, city staff will review costs as the process is undertaken and will determine the actual and direct costs based upon actual experience and revise application fees if required; and,

WHEREAS, upon full review and consideration of all matters related and attendant thereto, the City Council is of the opinion that Article 14.03, Division 4, Right-of-Way Management Regulations, adopted by Ordinance No. 17-054 should be repealed in its entirety and replaced as provided herein;

NOW, THEREFORE, BE IT ORDAINDED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

Section I.

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted.

Section II.

Article 14.03, Division 4, Right-of-Way Management Regulations, of Chapter 14, Streets and Sidewalks, of the City of Beaumont Code of Ordinances, is hereby repealed in its entirety.

Section III.

Article 14.03, Division 4, Right-of-Way Management Regulations, of Chapter 14, Streets and Sidewalks, of the City of Beaumont Code of Ordinances, is replaced with the following:

ARTICLE 14.03, DIVISION 4. - RIGHT-OF-WAY MANAGEMENT REGULATIONS

Sec. 14.03.190. - Title.

This division shall be known and cited as the Right-of-Way Management Regulations for the City of Beaumont, Texas.

Sec. 14.03.191. - Construction; governing law; venue.

This division shall be construed under and in accordance with the laws of the State of Texas and the City Charter and City Code to the extent that such Charter and City Code are not in conflict with or in violation of the Constitution and laws of the United States or the State of Texas. All obligations of the parties hereunder are performable in Jefferson County, Texas.

Sec. 14.03.192. - Scope.

This division shall be effective within the geographical limits of the city, including any areas subsequently annexed by the city.

Sec. 14.03.193. - Purpose; objectives; applicability.

(a) *Purpose.* This division provides principles and procedures for the placement of structures and facilities, construction, excavation, encroachments, and work activities within or upon any public right-of-way and to protect the integrity of the road and city utility system. To achieve these purposes, it is necessary to require permits of private users of the public rights-of-way, except as prohibited by law,

and to establish permit procedures, rules, and regulations for work done within or upon the public rights-of-way.

(b) *Objectives.* Public and private uses of public rights-of-way for location of facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the City of Beaumont must insure that the primary purpose of the rights-of-way, safe passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, roadways, the city utility system, facilities and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the public rights-of-way by persons, agencies, network providers, and public infrastructure contractors is secondary to these public objectives and the movement of traffic. This division is intended to strike a balance between the public need for efficient, safe transportation routes and the use of public rights-of-way for location of facilities by public and private entities. The division thus has several objectives:

(1) To ensure that the public safety is maintained and that public inconvenience is minimized.

(2) To protect the city's infrastructure investment by establishing repair standards for the pavement, facilities, and property in the public rights-of-way when work is accomplished.

(3) To facilitate work within the public rights-of-way through the standardization of regulations.

(4) To maintain an efficient permit process.

(5) To conserve and fairly apportion the limited physical capacity of the public rights-of-way held in public trust by the city.

(6) To establish a public policy for enabling the city to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition, and technological development.

(7) To promote cooperation among the agencies, network providers, and public infrastructure contractors (as defined herein) and the city in the occupation of the public rights-of-way, and work therein, in order to (i) eliminate duplication that is wasteful, unnecessary or unsightly, (ii) lower the agencies', network providers', public infrastructure contractors' and the city's costs of providing services to the public, and (iii) preserve the physical integrity of the streets and highways by minimizing street cuts.

(8) To assure that the city can continue to fairly and responsibly protect the public health, safety, and welfare.

(9) To further the public health, safety, and welfare of the citizens of the city by establishing aesthetic standards for installation of facilities in the public right-of-way that are reasonable, are technically feasible, and are reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.

(c) *Applicability.*

(1) The requirements of this division apply to all persons, agencies, network providers, and public infrastructure contractors that place structures and facilities or that conduct construction, excavation, encroachments, and work activities within or upon any public rights-of-way except:

a. Persons, agencies, or public infrastructure contractors providing service drops for single-family and two-family residence-zoned properties on private property. All permits for these properties will be issued through the city's building inspection department.

b. New residential service connections which are permitted through the building inspection department of the City of Beaumont as provided in section 14.03.199(a)(5) below.

c. Right-of-way use for valet-parking.

d. Right-of-way use for sidewalk cafes.

e. Revocable use of the right-of-way pursuant to an encroachment agreement.

(2) Any permit issued prior to March 26, 2019 will remain subject to the terms and conditions of city ordinances and requirements in effect at the time of issuance of the permit and is not affected by this division, except that, upon expiration or conclusion of the permit, a new or renewal permit must be obtained in accordance with this division.

Sec. 14.03.194. - Definitions.

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 that 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.

Abandoned facilities means facilities no longer in service or physically disconnected from the operating facilities, or from any other facilities, or from any other facilities that are in use or that still carry service. Facilities are deemed to be abandoned facilities if they are not properly registered with the city.

Agency means any franchised person operating in the right-of-way. "Agency" includes all contractors and sub-contractors hired or retained to do construction for an agency.

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.

Applicant means an owner or authorized agent of an owner, who submits an application for a permit under the provisions of this division.

Backfill means the placement or return of dirt, fill, or other material for the purpose of restoring an excavated area.

Certificated telecommunications provider (CTP) means a person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the Public Utility Commission to offer local exchange telephone service. A CTP does not include a network provider, as defined herein.

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

City means the City of Beaumont, Texas. As used throughout, the term city also includes the designated agent of the city.

City Council means the municipal governing body of the City of Beaumont, Texas.

City engineer means the director of engineering of the City of Beaumont or any other person designated by the city manager to administer this division.

City manager means the city manager of the City of Beaumont.

Closure means a complete or partial closing of one or more lanes of traffic of a major thoroughfare and the complete closure of any other type street or sidewalk.

Collocate and collocation means the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to an existing pole or structure.

Compaction means ninety-five (95) percent of maximum density with a moisture content of -2 percent to +4 percent of optimum under paved surfaces and ninety (90) percent of maximum density with a moisture content of -2 percent to +4 percent of optimum outside of paved surfaces.

Concealment or Camouflaged means any facility that is covered, blended, painted, disguised, or otherwise concealed such that the facility blends into the surrounding environment and is visually unobtrusive. A concealed facility also includes any facility or pole conforming to the surrounding area in which the 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.

Construction means breaking of pavement, excavation, installation of facilities, boring or jacking of utilities, restoration of pavement cuts, or other work by an agency, network provider, or public infrastructure contractor in a public right-of-way. The definition includes, but is not limited to, providing primary service, restoration, or maintenance of existing facilities within the right-of-way.

Consumer price index means the annual revised Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics or other publication as authorized by state law.

Decorative Pole means a streetlight pole specifically 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 the City of

Beaumont Zoning Ordinance regulation of light pole banners, as may be further amended.

Disaster emergency means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city, state, or federal governmental authorities.

Distributed Antenna System or DAS shall be included as a type of "Network Node."

Duct or *conduit* means a single enclosed raceway for cables, fiber optics, or other wires. "Duct" or "conduit" shall not include the maintenance duct associated with a conduit that is reserved for use in replacing damaged cable or for rerouting purposes.

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Emergency means any event that may threaten public health or safety, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged facilities, downed aerial facilities, downed poles or service outages whether to one customer or an area of the city.

Erosion control means compliance with TxDot Erosion and Sediment Control measures, as amended.

Excavate or *excavation* means to dig into or in any way remove or penetrate any part of a public right-of-way and does not include landscaping activity unless the activity removes or disturbs the paved portion of the right-of-way.

Facilities means the plant, equipment, and property, including, but not limited to, lines, transport service, poles, mains, pipes, conduits, pipelines, ducts, cables and wires located under, on or above the surface of the ground within the public right-of-way and valves, and related facilities and equipment used or useful for the provision of utility services, wireless or network services, or communications services to the public.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic District means an area that is zoned or otherwise designated as a historic by the City. Such zones include H-C, Historic-Cultural Landmark Overlay, HC-L, Historic-Cultural Landmark and RCR-H, Residential Conservation and Revitalization.

Law means common law or a federal, state, or local law, statute, code rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Local exchange telephone service means telecommunications service provided within an exchange to establish connections between customer premises within the exchange, including connections between a customer premises and a long distance provider serving the exchange. The term includes tone dialing service, service

connection charges, and directory assistance services offered in connection with basic local telecommunications service and interconnection with other service providers. The term does not include the following services, whether offered on an intra-exchange or inter-exchange basis:

(1) Central office based PBX-type services for system of seventy-five (75) stations or more;

(2) Billing and collection services;

(3) High-speed private line services of 1.544 megabits or greater;

(4) Customized services;

(5) Private line or virtual private line services;

(6) Resold or shared local exchange telephone services if permitted by tariff;

(7) Dark fiber services;

(8) Non-voice data transmission service offered as a separate service and not as a component of basic local telecommunications service;

(9) Dedicated or virtually dedicated access services; or

(10) Any other service the Public Utility Commission determines is not a local exchange telephone service.

Location means the City approved and lawfully permitted location for the Network Node.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

Major thoroughfare means any Thoroughfare Type D or higher as shown on the City of Beaumont Thoroughfare Plan, as amended.

Micro network node means a network node that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height, and that has an exterior antenna, if any, not longer than eleven (11) inches.

Municipal park means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

Municipality owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

MUTCD means Manual of Uniform Traffic Control Devices.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term: (A) includes (i) equipment associated with wireless communications; (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collation; and (B) does not include: (i) an electric generator; (ii) a pole; or (iii) a macro tower.

Network provider means (A) a wireless service provider; or (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider: (i) network nodes; or (ii) node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Order means the Federal Communications Commission Declaratory Ruling, Third Report and Order, FCC WT Docket No. 17-79, adopted September 26, 2018.

Pavement cut means a cut made into the paved surface of a public street, alley, curb, sidewalk, or public easement.

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.

Person means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, and other such entity who owns or controls facilities.

Pole means a service pole, city-owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as "Network Provider."

Public infrastructure contractor means a person hired or retained to do construction of facilities that will be maintained by the city. "Public infrastructure contractor" includes all subcontractors.

Public right-of-way management ordinance means an ordinance that complies with Chapter 284.

Public right(s)-of-way means the area on, below, or above a roadway, highway, street, sidewalk, alley, waterway, or other way and that is open for public use, and that is owned by the city in full or in part, and that is managed and controlled by the city. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications

Residential service connections means a connection to private property from the right-of-way for individual residential service.

SCADA or Supervisory Control and Data Acquisition systems means a category of software application programs and hardware used by the City for the process control and gathering of data in real time from remote locations in order to monitor equipment and conditions of the City public water and wastewater utility facilities. These systems may utilize both cable and wireless communications.

Service pole means a pole, other than a city-owned utility pole, that is owned or operated by the city and located in a public right-of-way, including: (A) a pole that supports traffic control functions; (B) a structure for signage; (C) a pole that supports

lighting, other than a decorative pole; and (D) a pole or similar structure owned or operated by the city and supporting only network nodes.

Small cell or *small wireless facility* means a facility meeting all of the following criteria: (i) facilities mounted on structures 50 feet or less in height including their antennas, or on structures no more than 10 percent taller than other adjacent structures, or that do not extend existing structures where they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; (ii) each antenna is no more than 3 cubic feet in volume; (iii) all other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associate equipment on the structure is no more than 28 cubic feet in volume; and (iv) facilities do not result in human exposure to radio frequency radiation in excess of applicable safety standards specified in 47 CFR Rule 1.1307(b). Unless specifically provided for herein, provisions addressed to network nodes herein shall also apply to small cells and small wireless facilities.

Stealth shall mean a method that hides or conceals an antenna, supporting electrical or mechanical equipment or any other support structure, including network nodes.

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.

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS MEANS Texas Accessibility Standards.

Thoroughfare means any public traffic artery, major street, secondary street or alley.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Underground Requirement Area shall mean 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 pursuant to 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.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility means any privately or publicly owned entity that uses right-of-way to furnish the public any general public service, including, without limitation, sanitary sewer, gas, electricity, water, telephone, petroleum products, telegraph, heat, steam or chilled

water, together with the equipment, structures, and appurtenances belonging to such entity and located within and near the right-of-way.

Utility pole means a pole installed primarily for the purpose of providing electric distribution or telecommunications as defined by Section 51.002, Utilities Code and that provides: (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or (B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code. A utility pole does not include a pole installed primarily for the purpose of providing other services or for third parties.

Utility service pole means a pole installed by a utility for the purpose of connecting a utility pole to a customer's building or other premises to provide electric distribution or telecommunications as defined by Section 51.002 Utilities Code.

Wireless facilities mean "Micro Network Nodes," "Network Nodes," and "Node Support Poles" as defined in Texas Local Government Code Chapter 284.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Sec. 14.03.195. - Police powers.

An agency's, network provider's, or public infrastructure contractor's rights hereunder are subject to the police power of the City of Beaumont which includes the power to adopt and enforce ordinances, including amendments to this division, necessary for the safety, health, and welfare of the public. Agencies, network providers, and public infrastructure contractors shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the City of Beaumont or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The City of Beaumont reserves the right to exercise its police powers, notwithstanding anything in this division or a permit to the contrary. Any conflict between the provisions of this division or a permit and any other present or future lawful exercise of the city's police powers shall be resolved in favor of the latter.

Sec. 14.03.196. - City engineer's authority; enforcement; violations.

(a) *City engineer's authority.*

(1) The city engineer is authorized to administer, interpret, and enforce the provisions of this division and to promulgate regulations, including but not limited to, engineering, technical, and other special criteria and standards, including design standards, to aid in the administration and enforcement of this division that are not in conflict with this division, the Code of Ordinances of the City, or state or federal law.

(2) Enforcement. The city engineer is authorized to enter upon a construction site for which a permit is granted under this division or, where necessary, upon private property adjacent to the construction site for purposes of inspection to determine compliance with the permit or this division without notice. If the

inspection requires physical contact with the equipment, the city engineer must provide written notice to the agency, network provider, or infrastructure contractor within five (5) business days of the planned inspection. Agency, network provider or infrastructure contractor may have a representative present during such inspection.

(b) *Violations.* A person, agency, or public infrastructure contractor commits an offense if he:

(1) Performs, authorizes, directs, or supervises construction without a valid permit issued under this division;

(2) Violates any provision of this division;

(3) Fails to comply with restrictions or requirements of a permit issued pursuant to this division; or

(4) Fails to comply with an order or regulation of the city engineer issued pursuant to this division.

(c) This division may be enforced by civil court action in accordance with state or federal law, in addition to any other remedies, civil or criminal, the city has for violation of this division.

(d) Prior to initiation of civil enforcement litigation, a person, agency, network provider, or public infrastructure contractor who has violated a provision of this division must be given the opportunity to correct the violation within the timeframe specified by the city engineer. This section does not prohibit the city engineer or the city from taking enforcement action as to past or present violations of this division, notwithstanding their correction.

Sec. 14.03.197. - Penalties.

(a) Any violation of the following provisions or terms of this division by any person, firm, corporation, agency, network provider, or public infrastructure contractor: section 14.03.208(f), excavation safety, section 14.03.209, no directional boring zones, and section 14.03.211(c), deposit of dirt and material on roadways, of this division shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1.01.009(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

(b) Any violation of the other provisions or terms of this division by any person, firm, corporation, agency, network provider, or public infrastructure contractor shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1.01.009(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Sec. 14.03.198. – Right-of-Way Permit required.

(a) *Permit Required.* Any agency, network provider, or public infrastructure contractor seeking to place facilities on, in or over a public right-of-way or to engage in construction, excavation, encroachments, and work activities within or upon any public right-of-way shall first file an application for a right-of-way permit with the city

and shall abide by the terms and provisions of the right-of-way permit and this division pertaining to the use of the public rights-of-way.

(b) *Exceptions.*

(1) City construction, reconstruction, and maintenance activities are excepted from the permitting requirements outlined herein.

(2) No application, permit or fee is required of network providers for:

a. routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

b. replacing or upgrading facilities that are substantially similar in size or smaller; and that do not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or

c. the installation, placement, maintenance, operation, or replacement of micro network nodes or similar structures that are strung on cables between existing poles or node support poles, in compliance with the National Electric Safety Code. If, however, traffic will be affected by the installation, placement, maintenance or replacement of a micro network node or similar structure, a traffic control plan is required per Section 14.03.212.

(3) Substantially similar shall mean:

a. the new or upgraded facility, including the antenna or other equipment element, will not be more than ten (10) percent larger than the existing facility or 10 feet, whichever is greater; or the extension of facilities less than six feet from a tower; or the new or upgraded pole will not be more than ten (10) percent higher than the existing pole, provided that the increase may not result in the pole exceeding the applicable height limitations prescribed by Local Government Code Chapter 284, as may be further amended; or increasing the size of ground equipment cabinets by ten percent in height or volume; and

b. the replacement or upgrade does not include replacement of an existing pole; and

c. the replacement or upgrade does not defeat existing concealment elements of a pole; and

d. the determination of whether a replacement or upgrade is substantially similar is made by measuring from the dimensions of the facilities as approved by the city.

(4) Although no application, permit or fee is required, the city requires advance notice of the work described above and approval of the pole's owner for that specific address.
Work under this section must still meet all other requirements in this division.

(c) Permits Generally.

(1) Permits will be issued in the name of the agency or network provider that will own the facilities. Permits for public infrastructure will be issued in the name of the public infrastructure contractor.

(2) Any agency with a current, unexpired consent, franchise, agreement or other authorization from the city (grant) to use the public rights-of-way that is in effect at the time this division takes effect shall continue to operate under and comply with that grant, unless prohibited by law, until the grant expires or until it is terminated by mutual agreement of the city and the agency or as otherwise provided for by law.

(3) C*onstruction, excavation, or work area.* No agency, network provider, or public infrastructure contractor shall perform construction, excavation, or work in an area larger or at a location different, or for a longer period of time than that specified in the permit or permit application. If, after construction, excavation, or work is commenced under an approved permit, it becomes necessary to perform construction, excavation, or work in a larger or different area than originally requested under the application or for a longer period of time, the agency or public infrastructure contractor shall notify the city engineer immediately and, within twenty-four (24) hours, shall file a supplementary application for the additional construction, excavation, or work.

(4) *Permit transferability or assignability.* The agency, network provider, or public infrastructure contractor may subcontract the work to be performed under a permit if the agency, network provider, or public infrastructure contractor is responsible for the performance of the work under the permit and all insurance and financial security as required. Permits are transferable and assignable upon written notice to the city engineer that the transferee or assignee has posted all required security pursuant to this division. Any transferee or assignee shall be bound by all requirements of the permit and this division.The physical construction of public infrastructure, excluding agency infrastructure and facilities installed by network providers, in new developments is the responsibility of the developer of the land. Ownership of that infrastructure remains with the developer of the land until accepted by the city. Any agency or public infrastructure contractor performing work on infrastructure that is within a public right-of-way, but prior to infrastructure acceptance by the city, shall obtain a permit from the city and permission from the owner of all of the infrastructure in the public right-of-way. The agency or public infrastructure contractor shall be financially responsible to the owner of

the infrastructure to carry out all remedial work necessary to receive acceptance by the city of that infrastructure. This financial obligation shall apply only to the work in the public right-of-way done by the agency or public infrastructure contractor. The city will not accept for dedication public infrastructure if the work performed on that infrastructure is not in accordance with applicable city specifications.

(5) Any agency, network provider, or public infrastructure contractor found to be conducting any excavation activity within the public right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted.

(6) The city may institute all appropriate legal action to prohibit any agency, network provider, or public infrastructure contractor from knowingly using the public rights-of-way unless the agency or public infrastructure contractor has complied with the terms of this division.

Sec. 14.03.199 – Right-of-Way Permit application; permit contents.

(a) General to all Right-of-Way Permits

(1) *Application submissions.* Each application for a permit shall be submitted using the required form, which may be obtained from the engineering department. The applicant must determine what type of permit is sought and complete the correct application. The city is not responsible for determining that the correct application was completed by the applicant and approval of a permit contrary to the provisions of this division does not create a vested right.

a. *Required disclosures on application.* The applicant shall disclose if the applicant proposes that the facilities will be located in: a historic district; within one hundred fifty (150) feet; near a historic site, or a structure or landmark recognized as historic by the city, state or federal government; within a park; within a residential district; or in an area that has undergrounding requirements.

b. *Drawings.* The applicant shall provide detailed drawings in electronic form, with calculations and dimensions to show strict conformity to the size, distance and spacing limitations in this division.

c. *Format.* The applicant requesting a permit shall provide the city with documentation in the format specified by the city.

d. *Interference.* The applicant shall provide analysis indicating that the proposed facilities will not cause any interference with city public safety radio system, traffic signal light system, or other city safety communications components.

e. *Address and Location.* The applicant must provide the specific address for all facilities that will be located on a pole. Addresses are determined

by the City of Beaumont GIS Department. The applicant shall provide a dated aerial photograph of the overall site depicting the site's relation to major streets and highways and poles. For any application requesting a new pole, photos are required showing the before and after conditions.

f. *Other Required Permits.* The applicant must ascertain, in consultation with the city, whether any other authorizations from the city will be required in order for the proposed installation to be made and completed. For all applications for the installation or construction of wireless facilities, including network nodes and node support poles, if any such additional authorizations are required, the applicant is responsible for providing all the information necessary for the city to review and act on the additional authorizations. Such additional authorizations that must be included with the application shall include, but not be limited to, executed agreement(s) with the city for attachment to service poles, as provided in Section 14.03.1.99(b)(4)(e).

g. *Completeness.* The application is not complete unless it contains all information required by this division, requested on the application form, and required by any supplemental list of required documentation provided by the city with the application form.

(2) No person, agency, network provider, or public infrastructure contractor shall install facilities or otherwise encroach upon the right-of-way or make a pavement cut or excavate in a public right-of-way without first obtaining a permit from the engineering department, except in an emergency or without having first made contact with the City in times of emergency.

(3) If the project lies within a TxDOT, Entergy, JCDD6, LNVA or any other agency's right-of-way, the applicant must provide evidence of a permit from the State, Federal Government or other appropriate agency at the time of application.

(4) Franchised agencies and agencies that are certificated telecommunications providers have prior authorization to do work in public rights-of-way. However, an agency's use of the public rights-of-way is subject to and must occur in accordance with State of Texas laws, federal laws, and city ordinances, policies, standards and procedures. Said use is non-exclusive and does not establish priority for use over other franchise holders, permit holders, or the city. A permit issued by the City of Beaumont is required for all work done in the public rights-of-way, except as indicated in Section 14.03.198(b).

(5) New residential service connections do not require a permit under this division. However, a building permit may be required from the building inspections department. An agency or public infrastructure contractor must inquire with the building inspections department as to whether a permit is required for such service connections. Maintenance or replacement of existing service connections that requires excavation will require a permit under this division.

(6) The city shall state on the permit the activity for which the permit is issued and any additional restrictions or requirements that have been placed upon the permit besides those incorporated into the permit by this division, the Zoning Ordinance, or other law or regulation, as applicable.

(7) All construction and installation in the public rights-of-way shall be in accordance with the permit issued for the facilities. The city engineer shall be provided access to the work and to such further information as he or she may reasonably require to ensure compliance with the permit.

(8) A copy of the right-of-way construction permit and approved engineering plans shall be maintained at the construction site and made available for inspection by the city engineer at all times when construction or installation work is occurring.

(9) The agency, network provider, or public infrastructure contractor shall update any new information on permit applications within ten (10) business days after any change occurs.

(10) Agencies, network providers, or public infrastructure contractors may apply jointly for permits to work in public rights-of-way at the same time and place.

(11) All permit holders must contact the Public Works Department by telephone at least forty-eight (48) hours before work begins under the permit.

(12) If no work has begun on a network node permit within six months of final approval of the permit, or within thirty (30) calendar days of final approval for a standard right-of-way permit, the permit shall be void, and a new permit shall be required.

(13) A sixty (60) day extension to a permit may be granted if requested by the agency, network provider, or public infrastructure contractor in writing to the engineering department. Such a request must be made before the permit expires. If no call for the cancellation of a permit, or for an inspection after completion of the work, is received within the sixty (60) day extension period, the permit shall be void, and a new permit shall be required.

(b) *Types of permits:*

(1) *Standard Right-of-Way Permits.*

a. A standard right-of-way permit is required whenever a cut or excavation is made in a public right-of-way by an agency or public infrastructure contractor.

b. Application for a standard right-of-way permit shall be made no less than two (2) City of Beaumont business days prior to the date of the proposed activity. If the proposed cut or excavation is to be made in the public rights-of-way dedicated to the State of Texas, a city permit is required in addition to any and all permits required by the state or other agencies. A city permit is required although specific authority has been granted by the engineering department to cut a paved street, curb or alley as a part of a new construction project.

c. There is no fee for a standard right-of-way permit. There is, however, an annual fee for use of the Right of Way and a contract with the City is required. Where such fees are not otherwise determined by franchise or prohibited by state or federal law:

1. Fee per linear foot: $1.75
2. Fee per street crossing $1,000.00

d. Late fees may be assessed as allowed by law.

e. The contract shall determine any inflator for the annual fee, and if the contract expires, the rate in effect on the date of expiry shall be the initial rate for any additional contract terms.

(2) *Permits issued under emergency conditions.* Any agency, network provider, or public infrastructure contractor maintaining facilities in the public rights-of-way may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. The agency, network provider, or public infrastructure contractor doing the work shall notify the engineering department no later than the next business day by telephone or e-mail when an emergency permit is required. A permit application for the proper permit under this section must be submitted and the fee, if any, paid no later than the next business day after the work is commenced.

(3) *Standard Right-of-Way Maintenance permits.*

a. A maintenance permit is required whenever work is being done by an agency or infrastructure contractor in or on a major thoroughfare and no cut or excavation is required.

b. Application for a maintenance permit must be submitted no later than the business day prior to the date of the proposed maintenance work. Applications may be submitted in person or e-mail to the engineering department.

c. The requirements outlined for permits issued under emergency conditions in subsection (2) of this section apply to maintenance permits, as do the remaining requirements of this division.

(4) *Small Cell Right-of-Way Permits.*

a. A small cell right-of-way permit is required for network providers. The permit may be for transport facilities, network nodes, or network node support poles.

b. Fees per application for network nodes, transportation facilities, and poles are the maximum allowed by Texas Local Government Code Chapter 284 or the Order, whichever is lower, as further amended.

c. A small cell maintenance permit is required for any activity in the right-of-way unless an exception in Section 14.03.198(b)(2) applies. A small cell maintenance permit is subject to the same fees, requirements and timeframes as a small cell right-of-way permit.

d. *Transport Services.* Network providers may obtain transport service from a person or entity that is paying city fees to occupy the public right-of-way that are equivalent to transport fees stated in Sec. 14.03.205(b). If third-party transport services are used, the network provider must identify the third-party provider, and provide documentation, at the time of filing the application, that the third-party transport service provider is paying city fees and that the network provider has received written permission to use such transport services for the specific address.

e. *Collocation on a Service Pole.* An applicant proposing collocation on a city-owned service pole must submit a copy of the signed agreement with the city allowing the collocation on the city-owned service pole located at a specific location at the time of filing the permit application.

f. *Installation of Network Node.* For purposes of determining annual and monthly fees for wireless facilities under section 14.03.205(a), the city will assume installation of the facilities six months from the date the permit is approved.

g. *Application Completeness, timeframe.* Not later than the 30th day after the date of receipt of an application for a permit for a network node or node support pole or not later than the tenth day after receipt of an application for a transport facility, the city shall determine whether the application is materially complete and notify the applicant of that determination. If the city determines that the application is incomplete, the city shall specifically identify the missing information in the notification to the applicant, with reference to the specific rule or regulation requiring the information.

h. *Approval or Denial of Application, timeframe.* Unless the time periods herein are tolled or extended by written agreement between the city and the applicant, the city will approve or deny applications according to the following:

(A) for applications for one or more new node support poles, no later than the 150th day after the date of receipt of a materially complete application;

(B) for applications for one or more network nodes on existing poles or structures, no later than the 60th day after the date of receipt of a materially complete application;

(C) for applications to install network nodes on a mixture of existing and new poles, no later than the 90th day after the date of receipt of a materially complete application;

(D) for a transport facility, no later than the 21st day after the date of receipt of a materially complete application.

i. *Tolling of timeframe.* If the city has notified the applicant that the application is materially incomplete, the time frame for the city's review is tolled until the applicant provides the required information or documents, as provided in the Order.

j. *Documentation for Denial.* If the city denies a complete application, it must document the basis for the denial, including the specific applicable code provision or other municipal rule, regulation, or other law on which the denial is based. The city shall send the documentation of the reason for denial by electronic mail to the applicant on or before the date the city denies the application.

k. *Cure after Denial.* Not later than the 30th day after the date the city denies the application, the applicant may cure the deficiencies identified in the denial documentation and resubmit the application without paying

an additional application fee, other than a fee for actual costs incurred by the city. Notwithstanding Subsection (h), the city shall approve or deny the revised completed application after a denial not later than the 90th day after the date the city receives the completed revised application. The city's review of the revised application is limited to the deficiencies cited in the denial application.

l. Fees are $500 per application covering up to five network notes, $250 for each additional network node per application, $1,000 per application per new pole.

(c) Denial, suspension, or revocation of a permit.

(1) *Denial of a permit.* A permit may be denied for any one of the following reasons:

The proposed activity will substantially interfere with vehicular or pedestrian traffic and no procedures, or procedures which are inconsistent with this division, have been implemented to minimize the interference.

a. The proposed construction will substantially interfere with another activity for which a permit has been issued, or will conflict or interfere with existing facilities already in the public right-of-way.

b. The proposed barricading, channelizing, signing, warning or other traffic control procedures or equipment do not comply with the requirements of the Texas Manual on Uniform Traffic Control Devices.

c. The activity or the manner in which it is to be performed will violate a city ordinance or regulation or a state or federal statute or regulation.

d. The agency, network provider, or public infrastructure contractor requests to cut a city-maintained street that can be crossed by jacking, boring or tunneling.

e. There is a lack of available space.

f. The agency, network provider, or public infrastructure contractor:

1. Does not have liability insurance as required by section 14.03.202;

2. Has consistently failed to perform in accordance with the requirements of this division;

3. Has failed to furnish all of the information required by this division or, except for good cause shown, to file the applications within the time prescribed by this division;

4. Has misrepresented or falsified any information in the applications;

5. Has failed to comply with the performance warranty/guarantee as provided in this division;

6. Is not in compliance with applicable requirements of an existing permit issued under this division;

7. Does not have a contractor's license or other required license; or

8. Has not compensated the city, unless the agency, network provider or public infrastructure contractor is not legally obligated to compensate the city by contract, by agreement, or by law for using public property.

(2) *Suspension or revocation of a permit.* The city engineer may suspend by stop work order or revoke any or all permits granted to allow work in the public rights-of-way on the same grounds on which a permit may be denied under subsection (c)(1) or for the following reasons and subject to the procedural guidelines noted in this division and any agreement that applies to the agency, network provider, or public infrastructure contractor using the public rights-of-way, as well as any limitations imposed by federal or state law:

a. Failing to comply with an order of the city engineer;

b. The recognition that a permit was issued in error;

c. Failing to comply with restrictions or requirements placed on the permit by the city engineer;

d. The city manager reasonably determines that the disconnection, removal, or relocation of equipment (a) is necessary to protect the public health, safety, welfare, or city property, (b) equipment, or portion thereof, is adversely affecting proper operation of streetlights or city property, or (c) there is imminent danger to the public; or

e. Violating any provision of this division.

(3) The city engineer shall provide written notice of a denial, suspension or revocation to the agency, network provider, or public infrastructure contractor. Construction that is suspended may not resume until the city engineer determines that the agency, network provider, or public infrastructure contractor has corrected the violation, noncompliance, or hazard that caused the suspension.

(4) A permit that was revoked due to failure to comply with an order of the city engineer, failure to comply with the restrictions or requirements placed upon the permit by the city engineer, a violation of this division, or for public health, safety or welfare reasons may be reinstated by the city engineer if the city engineer determines that:

a. The agency, network provider, or public infrastructure contractor has corrected the violation, noncompliance, or hazard that caused the revocation or denial; and

b. The health, safety and welfare of the public is not jeopardized by reinstating or issuing the permit.

(5) An agency or public infrastructure contractor may appeal a permit denial, suspension, or revocation in accordance with the provisions of section 14.03.201 of this division.

Sec. 14.03.200. - Facility size and locations. These provisions apply to all facilities, including those of franchise utilities, unless specifically contradicted in the franchise agreement.

(a) *Location in Right of Way, generally.* Facilities and related ground equipment shall be placed within two (2) feet from the outer edge of the Right-of-Way line and

three (3) feet from back of curb to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way, unless on an existing pole.

(b) *Location in Right of Way, new development.* All facilities in new developments shall be located in accordance with Exhibits 1, 2, and 3, unless an alternative location has been approved by the city engineer. Such utility locations are hereby adopted as standard locations for facilities in new developments. The intent of these items is that they serve as a standard, not only to agencies, network providers, and public infrastructure contractors working under city permit, but also to all city agencies whose routine business requires the installation, repair or relocation of utilities.

(c) *Location in Right of Way, existing development.* New facilities to be installed in previously developed streets should be located as in Exhibits 1, 2, 3 and 4. If that location is already being used by another facility, the new facility shall be located such that it does not interfere with other facilities, both existing and future. No new facilities shall be located longitudinally in a median or under existing or proposed pavement, unless permitted by the city engineer.

(d) *New Poles.*

(1) Antenna poles are to be installed pursuant to the design detail as shown on attached Exhibit "A" and made a part hereof. The single globe lighting is optional.

(2) *Materials.* Poles located in medians must be constructed of steel or concrete, or other material approved by the city engineer. Wood poles are prohibited.

(3) *Pole Height.* New poles or modified utility poles may not exceed the lesser of:

a. Ten (10) feet in height above the tallest existing utility pole located within five-hundred (500) linear feet of the new pole in the same public right-of-way; or

b. Fifty-five (55) feet above grade level.

(4) *Pole Spacing.* In order to avoid congestion of right-of-way caused by multiple pole installations, minimize the hazard of poles adjacent to roadways, minimize the effect on property values, and to maintain the aesthetics of the area by avoiding the negative impact on the public of unsightly proliferation of poles in the right-of-way, poles shall be spaced as provided herein. New poles, including new utility service poles, shall be spaced apart from existing utility poles or node support poles at the same distance as the spacing between utility poles in the immediate proximity, but no less than at a minimum one hundred and fifty (150) feet from a utility pole or another node support pole.

New poles must be ten (10) feet from a driveway, twelve (12) feet from the dripline of existing trees, fifteen (15) feet from a pedestrian ramp, twenty (20) feet from a traffic signal pole, and eighteen (18) inches from the paved area of a sidewalk. In non-residential zoning districts, facilities shall be located between tenant spaces, storefront bays or adjoining properties where their shared property lines intersect the right-of-way. In residential zoning districts, facilities shall be located where the shared property line between two residential parcels intersects the right-of-way. Access by vehicles or pedestrians may not be blocked by poles.

(e) *Attachments to City-Owned Service Poles.*

(1) *In accordance with Agreement.* Installations on all service poles are restricted to network providers and shall be in accordance with an agreement. The City Manager, or his designee, may enter into these agreements on behalf of the city.

(2) No electrical meters are allowed on service poles or screening walls.

(3) *Required industry standard pole load analysis.* For proposed installations on service poles network provider shall complete and submit to the city an industry standard pole load analysis indicating that the service pole to which the network node is to be attached will safely support the load.

(4) *Height of attachments.* All attachments on all service poles shall be at least eight (8) feet above grade. If a network node attachment projects toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above grade.

(5) *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. Location on signal arms is prohibited. Installation of network node facilities on any traffic signal structures shall:

a. Be encased in a conduit separate from the traffic light electronics;

b. Have an electric power connection separate from the traffic signal structure; and

c. Have an access point separate from the traffic signal structure.

(6) *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 structure that has electronic equipment shall:

a. Be encased in a conduit separate from any city signage electronics;

b. Have an electric power connection separate from the signage structure;

c. Have an access point separate from the signage structure.

(f) *Height of Equipment mounted on Poles.* Pole mounted facilities shall be installed at least eight (8) feet above grade, and if a facility is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above grade.

(g) *Protrusion of Equipment.* Pole-mounted or structure-mounted facilities shall not protrude from the outer circumference of the existing structure or pole by more than two (2) feet.

(h) *Size of pole mounted equipment.* Pole mounted enclosures may not be taller than five (5) feet. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches and vertical cable runs for the connection of power and other services.

(i) *Antenna size.* Each antenna that does not have exposed elements and is attached to an existing structure or pole: must be located inside an enclosure of not more than six cubic feet in volume; may not exceed a height of three (3) feet above the existing structure or poles or extend the height of the structure on which it is mounted by more than 10% above the preexisting height; and may not protrude from the outer circumference of the existing structure or pole by more than two (2) feet. If an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements: must fit within an imaginary enclosure of not more than six cubic feet; may not exceed a height of three (3) feet above the existing structure or pole or extend the height of the structure on which it is mounted by more than 10% above the preexisting height; and may not protrude from the outer circumference of the existing structure or pole by more than two (2) feet. Antennas with exposed elements must be mounted flush with the pole near the top. The cumulative size of other equipment associated with the equipment attached to an existing structure or pole may not: be more than 28 cubic feet in volume.

(j) *Limitation on Equipment on Poles.* There shall be no more than one network node on any one pole.

(k) *Private pole owner permission.* Network providers must have written approval of the utility pole owner for each specific pole address and location on such pole. Written permission must be submitted with the application for a right-of-way permit.

(l) *Electric Code.* All poles must meet National Electric Code clearance standards. Equipment attached to a utility pole must be installed in accordance with the National

Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

(m) *Existing telephone or electrical lines between existing utility poles.* Micro network nodes lashed on existing telephone or electrical lines between existing utility poles and not placed on utility poles, node support poles or service poles, are exempted from the requirements for submitting a right-of-way application, obtaining a right-of-way permit, and payment of a right-of-way access fee.

(n) *Prohibition on Overhead Facilities and Overhead Transport Facilities.* In order to protect, maintain, and promote the appearance and natural surroundings in public parks and certain residential areas by avoiding the negative impact on the public of unsightly proliferation of poles in the right-of-way, facilities may not be installed overhead in a public right-of-way if the public right-of-way is in a park or is adjacent to a street or thoroughfare that is both Class E+ or smaller and is in an area zoned residential or restricted to residential use by deed restrictions. All transport facilities must be underground in the above-mentioned areas. Underground facilities are required for standard permit holders along Type D or smaller thoroughfares.

(o) *Underground construction and use of poles.* As required by the subdivision ordinance of the city, and the comprehensive zoning ordinance as it relates to overlay districts, and when required by general ordinances, deed restrictions, regulations or rules of the city or applicable state or federal law, and in order to protect, maintain, and promote the appearance of areas within the city that have been designated as underground areas, to promote and protect the public health by avoiding the intangible public harm or unsightly or out-of-character deployments, the agency's, network provider's, or public infrastructure contractor's new facilities shall be placed underground at agency's, network provider's, or public infrastructure contractor's expense. Underground facilities must be buried at least two (2) feet below surface level. Placing facilities underground does not preclude the use of otherwise acceptable ground-mounted equipment appurtenant to underground facilities, unless such ground-mounted equipment is otherwise prohibited. Related equipment, such as pedestals, must be placed in accordance with the city's applicable code requirements and rules, including all visibility easement requirements. In areas where existing facilities are aerial, the agency, network provider, or public infrastructure contractor may install aerial facilities. If a location is designated by the city to be an underground requirement area, then an agency's or network provider's permit for the location of the facilities, at such location will be revoked ninety (90) calendar days after the designation, with removal of said facilities at such location within ninety (90) calendar days of such designation, or as otherwise reasonably allowed by the city for the transition of other overhead facilities. Placement of street-related poles and facilities above grade in the right-of-way, including but not limited to stop signs and street lights, does not preclude an area from designation as an area requiring undergrounding and placement of facilities on street-related poles in an area requiring undergrounding is prohibited.

(p) *Ground Equipment, parks and public art.* For the safety of park patrons, particularly small children, to preserve the investment made by the community in parks and public art, to protect, maintain, and promote the appearance and natural surroundings in public parks by avoiding the negative impact on the public of out-of-character deployments,, and to allow full lines-of-sight near park property and public art, no ground equipment may be installed in a right-of-way that is within a park, within one-hundred and fifty (150) feet of the boundary line of a park, or within one-hundred and fifty (150) feet of public art.

(q) *Ground Equipment, generally.* Ground equipment shall be minimal and the least intrusive. In order to minimize negative visual impact to the surrounding area, and to enhance the safety requirements of line of sight of pedestrians, particularly small children, the city engineer may deny a request for a permit for a proposed location of ground equipment where existing ground equipment within one hundred fifty (150) feet already occupies a footprint of 28 cubic ft. or more to minimize effect on property values and aesthetics on the area. Ground equipment shall be of a neutral color, and use exterior building materials that are compatible with surrounding structures, as determined by the planning director.

(r) *Concealment and enclosure, generally.* To the extent technically feasible, 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. Guy wires, anchors, pedestals, boxes, and other above grade facilities shall not fully or partially encroach within a sidewalk area, including a clear vertical clearance of seven and one-half (7.5) feet above the sidewalk.

(s) *Preserve Sight Visibility and Access.* No above-ground facilities shall be located closer than three (3) feet from the back of street curbs or edge of alley or within the sight visibility area.

Accessibility to property may not be compromised by above-ground facilities except during construction.

(u) *Historic District criteria.* Stealth or concealment of facilities and poles shall be required by the city with decorative poles, in historic districts. Applications for placement of facilities in a historic district must include proposed stealth or concealment measures and include decorative poles, design provided herein.

Micro network nodes may not be lashed on lines in a historic district, a minor residential street abutting a residential district, or an area adjacent to a park.

Historic Districts within the city are zoned as H-C, Historic-Cultural Landmark Overlay and RCR-H, Residential Conservation and Revitalization, as such zoning

may be amended. Historic Landmarks are those properties individually zoned as HC-L, Historic-Cultural-Landmark as such zoning may be amended.

(v) *Utility easements.* Above-ground facilities and poles are prohibited in a utility easement if such utility easement is not adjacent to and parallel with a public way, except with the written permission of the underlying fee owner. The city may rely upon county appraisal records to determine the ownership of the fee interest in the property. Poles must be spaced 150 feet or more from any existing pole. Applications for permit under Section 14.03.199(b) must be accompanied by a site plan. All other requirements of this Division apply. This section shall not prohibit the replacement of existing poles or structures in such utility easement. No facilities or poles are to be installed in an exclusive water or sewer easement.

(w) *Colors.* In order to avoid or remedy the intangible public harm of unsightly or out-of-character deployments, all equipment mounted on a pole, including antennas, must match the color of the pole. Colors for all facilities in historic districts must be in accordance with approved historic district design guidelines.

(x) *Temporary utilities.* Temporary utilities may be located in non-standard locations.

(y) *General construction and maintenance requirements.* Facilities and poles shall be constructed and maintained in a manner that does not:

(1) obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;

(2) obstruct the legal use of a public right-of-way by other utility providers;

(3) violate applicable codes, statutes, historic preservation laws, or other law;

(4) interfere with the city's public safety infrastructure;

(5) violate or conflict with this division; or

(6) violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and the Texas Accessibly Standards.

(z) *Compliance with AASHTO.* All facilities in the right-of-way must meet the requirements and guidelines outlined in the AASHTO Roadside Design Guide in effect at the time of application.

Sec. 14.03.201. - Appeals.

(a) *Applicability.* Appeals may be filed pursuant to this section related to interpretations of this division, decisions of the city engineer related to the final denial, suspension, or revocation of a permit, or if the applicant believes that the final denial of a permit materially inhibits the provision of service in violation of

Sections 253 or 332 of the Telecommunications Act of 1996. However, the appeal process provided by this section shall not be available for criminal violations of this division. An appeal filed pursuant to this section does not postpone the effectiveness of the final decision of the city engineering regarding denial, suspension or revocation of a permit. The city engineer's decision is the final decision under Texas Local Government Code Section 284.154(d). The city engineer may adopt rules regulating the process and requirements for appeals.

(b) *Appeal to city manager.* A permittee or applicant may appeal interpretations or decisions referred to in subsection (a) above by filing a written appeal with the city manager within seven (7) business days of receipt of denial, suspension, or revocation of the permit. An appeal filed pursuant to this section shall specifically state the basis for the aggrieved party's challenge to the city engineer's interpretation or decision under this division. The city manager may adopt rules regulating the process and requirements for appeals.

(c) *Issuance of decision by city manager.* Decisions of the city manager shall be issued within ten (10) business days of receipt of the written appeal. Decisions of the city manager shall be final. Failure to render a decision shall constitute a denial.

Sec. 14.03.202. - Insurance requirements.

(a) *Agencies and Network Providers.* Each agency or network provider applying for a permit shall obtain, maintain, and provide proof of the each of the following types of insurance and coverage limits. These insurance policies shall be underwritten by insurance companies with an A.M. Best Rating of A VI or better.

(1) Commercial general liability on an occurrence form with minimum limits of five million dollars ($5,000,000.00) per occurrence and ten million dollars ($10,000,000.00) aggregate. This coverage shall include the following:

a. Products/completed operations to be maintained for one (1) year.

b. Personal and advertising injury.

c. Owners and contractors protective liability.

d. Explosion, collapse, or underground (XCU) hazards.

(2) Automobile liability coverage with a minimum policy limits of one million dollars ($1,000,000.00) combined single limit. This coverage shall include all owned, hired and non-owned automobiles.

(3) Workers compensation and employers liability coverage. Statutory coverage limits for Coverage A and five hundred thousand dollars ($500,000.00) Coverage B employers liability is required.

(b) *Public Infrastructure Contractors.* Each public infrastructure contractor applying for a permit shall obtain, maintain, and provide proof of insurance for the same types of insurance coverages outlined in subsection (a) above; however, the policy limits under the general liability insurance shall be one million dollars ($1,000,000.00) per occurrence and two million dollars ($2,000,000.00) aggregate. All other coverage provisions outlined in subsection (a) above shall apply.

(c) The method for proof of insurance is a certified copy of the insurance policy. The city reserves the right to review the insurance requirements and to reasonably adjust insurance coverage and limits when the city manager determines that changes in statutory law, court decisions, or the claims history of the industry, the agency, network provider, or public infrastructure contractor require adjustment of the coverage.

(d) The city will accept certificates of self-insurance issued by the State of Texas or letters written by the agency in those instances where the state does not issue such letters, which provide the same coverage as required herein. However, certificates of self-insurance must be approved in advance by the risk manager for the city.

(e) The agency, network provider or public infrastructure contractor shall furnish, at no cost to the city, copies of certificates of insurance evidencing the coverage required by this section to the city. If the city requests a deletion, revision or modification, the agency, network provider, or public infrastructure contractor shall exercise reasonable efforts to pay for and accomplish the change.

(f) The agency, network provider, or public infrastructure contractor shall file and maintain proof of insurance with the engineering department. An insurance certificate obtained in compliance with this section is subject to city approval, through the city's insurance advisor. The city may require the certificate to be changed to reflect changing liability limits. An agency, network provider, or public infrastructure contractor shall immediately advise the city attorney of actual or potential litigation that may develop which may affect an existing carrier's obligation to defend and indemnify the city.

(g) Such insurance shall be kept in full force and effect during the period of time for which a permit shall be issued or the space occupied. Insurance coverage must be available on a "per project" basis.

(h) An insurer has no right of recovery against the city. The required insurance policies shall protect the agency or public infrastructure contractor and include the city as an additional insured. The insurance shall be primary coverage for losses covered by the policies.

(i) The policy clause "other insurance" shall not apply to the city.

(j) The agency, network provider, or public infrastructure contractor shall pay premiums and assessments. A company that issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by an agency, network provider, or public infrastructure contractor must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy.

(k) Each policy must include a provision that requires the insurance company to notify the city in writing at least thirty (30) calendar days before canceling or failing to renew the policy or before reducing policy limits or coverages.

(l) Each agency must comply with the insurance requirements in this section, unless the agency's current franchise or license agreement with the city specifically

addresses insurance requirements, in which case the franchise or license agreement shall control.

Sec. 14.03.203. - Indemnification.

(a) To the extent authorized by law, each certificated telecommunications provider, agency, network provider, or public infrastructure contractor placing facilities in the public rights-of-way shall indemnify, and hold the city and its officers and employees harmless from and against all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney's fees and costs of defense), proceedings, actions, demands, causes of action, liability, and suits of any kind and nature, including personal or bodily injury (including death), property damage, or other harm for which recovery of damages is sought that is found by a court of competent jurisdiction to be caused solely by the negligent act, error, or omission of the agency, network provider, or public infrastructure contractor any agent, officer, director, representative, employee, affiliate, or subcontractor of the certificated telecommunications provider, agency, network provider or public infrastructure contractor, while installing, repairing, or maintaining facilities in a public right-of-way.

(b) The indemnity provided by this subsection does not apply to any liability resulting from the negligence of the city, its officers, employees, contractors, or subcontractors. If a certificated telecommunications provider, agency, network provider, or public infrastructure contractor and the city are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of state without, however, waiving any governmental immunity available to the city under state law and without waiving any defenses of the parties under state law.

(c) This section is solely for the benefit of the city and the certificated telecommunication provider, agency, network provider or public infrastructure contractor and does not create or grant any rights, contractual or otherwise, to any other person or entity.

Sec. 14.03.204. - Performance warranty/guarantee.

(a) Any warranty made hereunder shall serve as security for the performance of work necessary to repair the public rights-of-way if the agency, network provider, or public infrastructure contractor fails to make the necessary repairs or to complete the work under the permit.

(b) The agency, network provider, or public infrastructure contractor, by acceptance of the permit, expressly warrants and guarantees complete performance of the work affecting the city's right-of-way in a good and workmanlike manner acceptable to the city and warrants and guarantees all such work done for a period of one (1) year after the date of acceptance and agrees to maintain upon demand and to make all necessary repairs during the one-year period. This warranty shall include all repairs and actions needed as a result of:

(1) Defects in workmanship;

(2) Settling of fills or excavations;

(3) Any unauthorized deviations from the approved plans and specifications;

(4) Failure to barricade;

(5) Failure to clean up during and after performance of the work;

(6) Restoration of improvements including, but not limited to, landscaping and irrigation; or

(7) Any other violation of this division or the ordinances of the city.

(c) The one-year warranty period shall run from the date of the city's acceptance of the work which shall be the date of the letter of acceptance issued by the city to the agency, network provider, or public infrastructure contractor. If repairs are required during the one-year warranty period, those repairs need only be warranted until the end of the initial one-year period starting with the date of acceptance. It is not necessary that a new one-year warranty be provided for subsequent repairs after probationary acceptance.

(d) At any time prior to completion of the one-year warranty period, the city may notify the agency, network provider, or public infrastructure contractor of any needed repairs. Such repairs shall be completed within twenty-four (24) hours if the defects are determined by the city to be an imminent danger to the public health, safety, and welfare. Non-emergency repairs shall be completed within fifteen (15) calendar days after notice.

Sec. 14.03.205. Annual and Monthly Rates for Right of Way Rental.

(a) Fees for Network Nodes

Fees for Network nodes shall be based on reasonable fair market value of the use allowed in accordance with the anti-gift provisions of the Texas Constitution. The initial rental fee per node shall be $2000 annually and shall be adjusted each January 1st to reflect changes in the annual revised Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics, unless otherwise provided by valid, constitutional, state law.

(b) Fees for Service Poles

Fees for Service poles shall be based on reasonable fair market value of the use allowed in accordance with the anti-gift provisions of the Texas Constitution. The initial rental fee per pole shall be $1,0000 annually and shall be adjusted each January 1st to reflect changes in the annual revised Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics, unless otherwise provided by valid, constitutional, state law. A network provider must pay the an amount equal to the lower of the greatest amount allowed by Texas Local Government Code Chapter 284 and the greatest amount allowed by federal law, as further amended, per year per service pole for collocation of a network node on a city-owned service pole. The monthly fee shall begin six (6) months from the date of permit approval. Fees will continue until the owner of the network node notices the city of the abandonment of the facility pursuant to Section 14.03.217.

(c) Fees for Transport Facilities

Fees for Transport facilities shall be based on reasonable fair market value of the use allowed in accordance with the anti-gift provisions of the Texas Constitution. The initial rental fee shall be a minimum of $28 per node monthly and shall be adjusted each January 1st to reflect changes in the annual revised Consumer Price Index for All Urban Consumers for Texas, a published by the federal Bureau of Labor Statistics, unless otherwise provided by valid, constitutional, state law. Late fees may be assessed as allowed by law.

Sec. 14.03.206. - Registration.

(a) In order to protect the public health, safety and welfare, all agencies, network providers, and public infrastructure contractors placing facilities or engaging in construction, excavation, encroachments, and work activities within or upon any public right-of-way must register with the City of Beaumont. Registration must be renewed annually on or before January 31. Annual renewal is required to allow the city to contact the current owners of facilities when emergencies arise and to coordinate infrastructure in the right-of-way. The registration form to be used may be obtained from the engineering department. If a registration is not renewed, and subject to sixty (60) calendar days notification to the agency, all facilities owned by agency within the city will be deemed to have been abandoned and shall become the property of the city. When any information provided for the registration changes, the agency or public infrastructure contractor shall notify the City of Beaumont of the change no more than thirty (30) calendar days after the date the change is made. Registration shall include:

(1) The name, address, and telephone number(s) of the owner of the facilities to be located in the public rights-of-way, including the business name, assumed name, or trade name under which the agency operates or under which it has operated within the past five (5) years. In the case of a public infrastructure contractor, the name, address, and telephone number(s) of the public infrastructure contractor and the name, address, and telephone number(s) of the developer for whom the public infrastructure contractor is working.

(2) The name(s), address(es) and telephone number(s) of the person(s) who will be contact person(s) for the owner.

(3) The name(s), address(es) and telephone number(s) of any contractor(s) or subcontractor(s) who will be working in the public rights-of-way on behalf of the owner.

(4) The name and telephone number(s) of an emergency contact for the owner who shall be available twenty-four (24) hours a day.

(5) The name(s), address(es) and telephone number(s) of the person(s) who will be attending the utility coordination meetings for the owner.

(6) The name(s), address(es) and telephone number(s) of the person(s) who will be receiving plans of city construction projects on behalf of the owner.

(7) The name, address, and telephone number(s) of the person who will be responsible for receiving notification of abandonment issues on behalf of the owner.

(8) Proof of insurance as required by section 14.03.202.

(9) For agencies that are certificated telecommunications providers, a copy of the notice of approval issued by the Public Utility Commission of Texas that grants the certificated telecommunications provider a service provider certificate of operating authority (SPCOA) or certificate of convenience and necessity (CCN).

(10) The ordinance number of any franchise or license, if any, issued by the City of Beaumont that authorizes the owner to use the public rights-of-way.

(b) Registration shall be a prerequisite to issuance of a permit. Each agency, network provider, and public infrastructure contractor shall update and keep current its registration with the city at all times.

Sec. 14.03.207. - Plans of record

(a) Any agency or network provider with facilities in the public rights-of-way shall submit plans of record in accordance with the following requirements:

(1) A city Street Map marked in such a manner as to evidence which Type D and above thoroughfares along which the agency or network provider has placed facilities (not including boxes and other appurtenances) shall serve as the plans of record for the agency or network provider. The address and GPS coordinates must be included for any pole or equipment collocated on a pole. The city Street Map will be made available in a digital format upon request to the city engineer.

(2) On or before January 31 of each calendar year following the initial submittal of its plans of record, an agency or network provider shall provide to the city engineer plans of record that show all installations of new facilities, and all changes, additions, abandonments, and relocations relating to existing facilities completed in the previous calendar year, including the address and GPS coordinates for such facilities.

(b) Plans of record shall not include information that is a trade secret or other confidential information protected from disclosure by state law. Information marked "proprietary" or "confidential" will not be accepted by the city. Location information is not a trade secret or proprietary/confidential information, and this subsection may not be construed to authorize an agency or network provider to fail to provide location information.

Sec. 14.03.208. - General rights-of-way use and construction.

(a) *Responsibility for Employees, courtesy and drug policy.* Agencies, network providers and infrastructure contractors shall be responsible and liable for the acts and omissions of their employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, and subcontractors in connection with the installations of facilities in the right-of-way, as if such acts or omissions were agency's, Network Provider's, or public infrastructure contractor's acts or omissions. Work in the public rights-of-way shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Citizen satisfaction must be a priority in using the Right-of-Way. Agencies, network providers, and infrastructure contractors shall train their employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its facilities in the right-of-way. Employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the city Manager, the employee is not interacting in a positive and polite manner with citizens, he or she shall request that the agency, network provider or infrastructure contractor take all remedial steps to conform to these standards. It is the policy of the city to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by agency's, network provider's or infrastructure contractor's employees, contractors, subcontractors, or vendors while on city rights-of-way is prohibited..

(b) *Minimal interference.* Agency's, network provider's, or public infrastructure contractor's facilities shall be constructed or maintained in such a manner as not to interfere with sewers, water pipes, or any other property of the city, or with any other pipes, wires, conduits, pedestals, structures, or other facilities that may have been laid in the rights-of-way by, or under, the city's authority. The agency's, network provider's or public infrastructure contractor's facilities shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons, or to interfere with improvements the city may deem proper to make or to unnecessarily hinder or obstruct the free use of the rights-of-way or other public property, and shall not interfere with the travel and use of public places by the public during the construction, repair, operation, or removal thereof, and shall not obstruct or impede traffic. The agency, network provider, or infrastructure contractor shall not cause any interference with city public safety radio system, traffic signal light system, or other city safety communications components.

(c) *Responsibilities under permit; location of facilities.*

(1) A permit does not relieve an agency, network provider, or public infrastructure contractor of the responsibility to coordinate with other utilities and to protect existing facilities. An agency, network provider, or public infrastructure contractor working in the right-of-way is responsible for obtaining line locates

from all affected utilities or others with facilities in the right-of-way prior to any excavation. Use of the geographic information system or the plans of record does not satisfy this requirement.

(2) In performing location of facilities in the public rights-of-way in preparation for construction under a permit, agency, network provider, or public infrastructure contractor shall compile all information obtained regarding its or any other facilities in the public rights-of-way related to a particular permit and shall make that information available to the city in a written and verified format acceptable to the city engineer.

(3) *Protection of utilities.* Before beginning excavation in any public right-of-way, an agency, network provider, or public infrastructure contractor shall contact the Texas One-Call System or any other company operating under the One-Call Statute and, to the extent required by Chapter 251 of the Texas Utilities Code, make inquiries of all ditch companies, utility companies, districts, local government departments, and all other agencies that might have facilities in the area of work to determine possible conflicts.

a. Field locations shall be marked prior to commencing work. The agency, network provider, or public infrastructure contractor shall support and protect all pipes, conduits, poles, wires, or other apparatus that may be affected by the work from damage during construction or settlement of trenches subsequent to construction.

b. A person shall only use a water-based paint in the public right-of-way to mark the location of existing underground utilities. A person commits an offense, if a marking he makes in the public right-of-way to mark the location of existing underground utilities remains visible longer than sixty (60) calendar days after being applied.

(d) *Underground Construction and Use of poles.*

(1) Facilities shall be maintained in an appropriate manner.

(2) Should the city desire to place its own facilities in trenches or bores opened by the agency, network provider, or public infrastructure contractor, the agency, network provider, or public infrastructure contractor shall cooperate with the city in any construction by the agency, network provider, or public infrastructure contractor that involves trenching or boring, provided that the city has first notified the agency, network provider, or public infrastructure contractor in some manner that it is interested in sharing the trenches or bores in the area in which the agency's, network provider's or public infrastructure contractor's construction is occurring. The agency, network provider, or public infrastructure contractor shall allow the city to place its facilities in the agency's, network provider's or public infrastructure contractor's trenches and bores, provided the city incurs any incremental increase in cost of the trenching and boring. The city shall be responsible for maintaining its respective facilities buried in the agency's, network provider's or public infrastructure contractor's trenches and bores under this paragraph.

(e) *Joint trenching.* The public rights-of-way have a finite capacity for containing facilities. The city engineer may require an agency, network provider, or public

infrastructure contractor to share trench space to minimize the disruption of vehicular or pedestrian traffic.

(1) All facilities shall meet any applicable local, state, and federal clearance and other safety requirements, be adequately grounded and anchored, and meet the provisions of any contracts executed between agency, network provider, or public infrastructure contractor and the other joint user. Agency, network provider, or public infrastructure contractor may, at its option, correct any attachment deficiencies and charge the joint user for its costs.

(f) *Excavation safety.* On construction projects in which excavation will exceed a depth of five (5) feet, the agency, network provider, or public infrastructure contractor must have detailed plans and specifications for excavation safety systems. The term "excavation" includes trenches, structural or any construction that has earthen excavation subject to collapse. The excavation safety plan shall be designed in conformance with state law and Occupational Safety and Health Administration (OSHA) standards and regulations.

(g) *Erosion control.* The agency, network provider, or public infrastructure contractor shall be responsible for storm water management erosion control that complies with city, state and federal guidelines. All installations shall comply with TxDot Erosion and Sediment Control Manual, as amended.

(h) *On-site requirements.* Agencies, network providers and public infrastructure contractors subject to this division must have a minimum of one (1) English-speaking representative at the site where work is being performed at all times. Additionally, each of agency's, or network provider's or public infrastructure contractor's vehicles shall bear a sign identifying the agency, network provider, or public infrastructure contractor that owns the vehicles.

(i) *Electrical Supply.* Agencies, network providers and public infrastructure contracts are responsible for obtaining any required electrical power services to their facilities. The city shall not be liable for any stoppages or shortages of electrical power furnished to the facilities, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the facilities or the act or omission of any other tenant of the structure or user of the right-of-way, or for any other cause beyond the control of the city. Generators and back-up generators are prohibited in the right-of-way.

Sec. 14.03.209. - No directional boring zones.

In the city, the public infrastructure must be maintained and protected by all agencies, network providers, and public infrastructure contractors. The public health, safety and welfare is at risk when damages to water and sewer mains occur. To protect the water and sewer system, no person, agency, network provider, or public infrastructure contractor will be allowed to directionally bore longitudinally with water and sewer mains that are twelve (12) inches or larger. The installation of facilities in the public rights-of-way will be installed by open excavation to assure the protection of the city's water and sewer system. The city has available mapping that identifies such mains. The agency, network provider, or public infrastructure contractor is responsible for obtaining and using this information in the design of new facilities. When boring is acceptable, pothole process is required for twelve (12) inches or larger water and sewer mains or any main that is deemed critical by the city. Bore time is restricted to the following schedule: 7 a.m.

to 4 p.m. Monday through Thursday, 7 a.m. to Noon on Friday and no bore on Saturday and Sunday. Missiles are not considered directional boring and are not allowed unless otherwise approved by the city.

Sec. 14.03.210. - Joint planning and construction; coordination of excavations.

(a) Excavations in city rights-of-way disrupt and interfere with the public use of the city *streets and damage the pavement and landscaping.* The purpose of this section is to reduce this disruption, interference and damage by promoting better coordination among agencies, network providers, or public infrastructure contractors making excavations in public rights-of-way and between these agencies, network providers and public infrastructure contractors and the city. Better coordination will assist in minimizing the number of excavations being made wherever feasible and will ensure the excavations in city rights-of-way are, to the maximum extent possible, performed before, rather than after, the reconstruction of the streets by the city.

(b) Utility coordination meeting.

(1) The city will hold a utility coordination meeting a minimum of two (2) times per year. The purpose of the meeting is for the city to inform agencies, network providers, and public infrastructure contractors of proposed and current community investment projects in the City of Beaumont and also for the agencies, network providers, and public infrastructure contractors to inform each other and the city of current and future projects. Each agency, network provider and public infrastructure contractor is encouraged to attend and participate in the meetings of the city, of which the agency, network provider, or public infrastructure contractor will be made aware.

(2) The city will notify the affected agencies, network providers, and public infrastructure contractors at least six (6) months before construction will start on a city project. Preliminary plans will be provided to the affected agencies, network providers, and public infrastructure contractors at least four (4) months before the project is to start construction. Final plans will be provided to the affected agencies, network providers, and public infrastructure contractors at least two (2) months before the project is to start construction.

(3) Whenever it is possible and reasonably practicable to joint trench or share bores or cutes, the agency, network provider, or public infrastructure contractor shall work with other agencies, network providers, and public infrastructure contractors so as to reduce as much as possible the number of right-of-way cuts within the city.

(c) *Excavation master plan.* In addition to participating in the utility coordination meetings, any agency, network provider, or public infrastructure contractor owning, operating or installing facilities in public rights-of-way, providing water, sewer, gas, electric, communication, video, or other utility services, shall meet annually with the city engineer, at the city engineer's request, to discuss agency's, network provider's, or public infrastructure contractor's excavation master plan. At such meeting, to the extent not already in possession of the city, agency, network provider, or public infrastructure contractor shall submit documentation, in a form required by the city engineer, showing the location of the agency's, network provider's, or public infrastructure contractor's existing facilities in the public rights-of-way.

(1) Agency, network provider, or public infrastructure contractor shall discuss with the city engineer its excavation master plan and identify planned major excavation work in the city. The city engineer may make his own record on a map, drawing, or other documentation of each agency's or network provider's or public infrastructure contractor's planned major excavation work in the city; provided, however, that no such document prepared by the city engineer shall identify a particular entity, or the planned major excavation work of that particular entity.

(2) Each agency or public infrastructure contractor shall submit annually, on or before March 31, a revised and updated excavation master plan. As used in this subsection, the term "planned major excavation work" refers to any future excavations planned by the agency, network provider, or public infrastructure contractor when the excavation master plan or update is submitted that will affect any public rights-of-way for more than five (5) business days, provided that the agency, network provider, or public infrastructure contractor shall not be required to identify future major excavations planned to occur more than three (3) years after the date that the agency's, network provider's, or public infrastructure contractor's master plan or update is discussed.

(3) Between the annual meetings to discuss planned major excavation work, agency, network provider, or public infrastructure contractor shall inform the city engineer of any substantial changes in the planned major excavation work discussed at the annual meeting. The city will not preclude an agency, network provider, or public infrastructure contractor from obtaining a permit for a project that was inadvertently excluded from the agency's, network provider's or infrastructure contractor's excavation master plan or was unknown at the time the plan was created.

Sec. 14.03.211. - Minimizing the impacts of work in the rights-of-way.

(a) *Noise, dust, debris, hours of work.* Each agency, network provider, and public infrastructure contractor shall conduct work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the work, the agency, network provider, or public infrastructure contractor shall take appropriate measures to reduce noise, dust, and unsightly debris. No work shall be done between the hours of 10:00 p.m. and 7:00 a.m., except with the written permission of the city engineer, or in case of an emergency. Bore time is restricted to the following schedule: 7 a.m. to 4 p.m. Monday through Thursday, 7 a.m. to Noon on Friday and no bore on Saturday and Sunday. Missiles are not considered directional boring and are not allowed unless otherwise approved by the city.

(b) *Trash and construction materials.*

(1) Each agency, network provider, and public infrastructure contractor shall maintain the work site so that:

a. Trash and construction materials are contained so that they are not blown off of the construction site.

b. Trash is removed from a construction site often enough so that it does not become a health, fire, or safety hazard.

c. Trash dumpsters and storage or construction trailers are not placed in the street without written approval of the city engineer.

(2) Agency, network provider, or public infrastructure contractor may only use approved trash haulers when working in the public rights-of-way.

(c) *Deposit of dirt and material on roadways.* Each agency, network provider, and public infrastructure contractor shall eliminate the tracking of mud or debris upon any street or sidewalk. Equipment and trucks used during construction, excavation, or work activity shall be cleaned of mud and debris prior to leaving any work site.

(d) *Protection of trees and landscaping.* Each agency, network provider, and public infrastructure contractor shall protect trees, landscape, and landscape features as required by the city and shall be responsible for supplemental maintenance and watering during construction and until restoration is complete and in accordance with the performance warranty made the agency, network provider, or public infrastructure contractor under this division. All protective measures shall be provided at the expense of the agency, network provider, or public infrastructure contractor. Agency, network provider, or infrastructure contractor and its contractors, and agents shall obtain written permission from the city Manager before trimming trees hanging over its facilities in the right-of-way. When directed by the city manager, agency, network provider or infrastructure contractor shall trim under the supervision and direction of the parks director. The city shall not be liable for any damages, injuries, or claims arising from agency's, network provider's, or infrastructure contractor's actions under this section.

(e) *Protection of paved surfaces from equipment damage.* Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. Tracked vehicles with grousers are not permitted on paved surface unless specific precautions are taken to protect the surface. Agency, network provider, or public infrastructure contractor shall be responsible for any damage caused to the pavement by the operation of such equipment and shall repair such surfaces. Failure to do so will result in the use of the agency's, network provider's, or public infrastructure contractor's performance warranty/guarantee by the city to repair any damage, and, possibly, the requirement of additional warrantee(s).

(f) *Protection of property.* Each agency, network provider, and public infrastructure contractor shall protect from injury any public rights-of-way and adjoining property by providing adequate support and taking other necessary measures. Agency, network provider, or public infrastructure contractor shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the work and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public rights-of-way.

(g) *Clean-up.* As the work progresses, all public rights-of-way and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris. All clean-up operations shall be done at the expense of the agency, network provider, or public infrastructure contractor. Agency, network provider, or public infrastructure contractor shall restore any disturbed area to its original condition. All restoration work must be completed within ten (10) business days following the

date of substantial completion of the work in the right-of-way. Such clean-up and restoration shall be subject to the sole, reasonable approval of the city engineer.

(h) *Vehicle parking.* Each agency, network provider, and public infrastructure contractor shall make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a work site is not impacted.

(i) *Walkways.* Each agency, network provider, and public infrastructure contractor shall maintain an adequate and safe unobstructed walkway around a construction site or blocked sidewalk in conformance with City Code.

(j) *Graffiti Abatement.* As soon as practical, but not later than fourteen (14) calendar days from the date agency, network provider, or infrastructure contractor receives notice thereof, the agency, network provider or infrastructure contractor, shall remove all graffiti on any of its facilities located in the Right of Way. The foregoing shall not relieve the agency, network provider, or infrastructure contractor from complying with any city graffiti or visual blight ordinance or regulation.

(k) *Signage.* Agency, network provider, or infrastructure contractor shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the facility 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 manager.

Except as required by laws or by the utility pole owner, agency, network provider, or infrastructure contractor shall not post any other signage or advertising on the facilities or poles.

(l) *Ownership.* No part of any facilities placed on the right-of-way pursuant to this division will become, or be considered by the city as being affixed to or a part of, the right-of-way, except for facilities accepted as city facilities by the city engineer in writing. All other facilities placed in the right-of-way pursuant to this division will be and remain the property of the agency or network provider and may be removed by the agency or network provider at any time, provided the agency or network provider shall obtain permits or give notice as required by this division.

(m) *Notification.* Each agency, network provider, and public infrastructure contractor shall notify the public works department forty-eight (48) hours before undertaking any work in the right-of-way.

Sec. 14.03.212. - Traffic control.

(a) No person, agency, network provider, or public infrastructure contractor may close a public street without first obtaining a permit from the city engineer. An application for a maintenance permit and a traffic control plan shall be submitted to the city engineer no less than seven (7) business days prior to the date of the proposed closure unless an emergency exists, in which case immediate notice must be given to the city engineer. If a proposed construction project is to be made in the public right-of-way dedicated to the State of Texas, a city permit shall be required in addition to any and all permits required by the state.

(b) When it is necessary to obstruct traffic, an application for a maintenance permit and a traffic control plan shall be submitted to the city engineer prior to starting construction. No permit will be issued until the traffic control plan is approved by the city engineer. No agency, network provider, or public infrastructure contractor shall

block access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless the agency, network provider, or public infrastructure contractor provides the city with written verification of written notice delivered to the owner or occupant of the facility, equipment, or property at least forty-eight (48) hours in advance.

(c) When necessary for public safety, the agency, network provider, or public infrastructure contractor shall employ flag persons whose duties shall be to control traffic around or through the construction site. The use of flag persons may be required by the city engineer.

(d) Unless approved by the city engineer, the agency, network provider, or public infrastructure contractor shall not impede rush hour traffic on major thoroughfares during the morning or evening rush hours. No construction shall be performed nor shall any traffic lane be closed to traffic during the hours of 6:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m., Monday through Friday, without the written approval of the city engineer.

(e) Lane closures on major thoroughfares will be limited to no more than two (2) hours at any time outside of the morning and evening rush hours unless approved by the city engineer.

(f) Traffic control devices and barricades, as defined in Part VI of the Manual on Uniform Traffic Control Devices, or any successor publication thereto, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices and barricades are to be supplied by the agency, network provider, or public infrastructure contractor. If used at night, they must be reflectorized and must be illuminated or have barricade warning lights.

(g) Part VI of the Manual on Uniform Traffic Control Devices, or any successor publication thereto, shall be used as a guide for all maintenance and construction signing. The agency, network provider, or public infrastructure contractor shall illustrate on the permit the warning and control devices proposed for use. At the direction of the city engineer, such warning and control devices shall be modified.

(h) The city engineer may refuse to issue a permit if proposed construction activity will substantially interfere with vehicular traffic flow on major thoroughfares or is inconsistent with procedures of this division.

Sec. 194.03.213. - Requirements for street cuts and repairs.

(a) The agency, network provider, or public infrastructure contractor shall be responsible for maintaining all street cuts in such a manner as to avoid a hazard to vehicular and pedestrian traffic until permanently repaired.

(1) When emergency repairs are deemed necessary by the city engineer to correct a situation that is hazardous to the public, the agency, network provider, or public infrastructure contractor that is responsible for the cut shall be notified immediately. If the agency, network provider, or public infrastructure contractor does not provide an acceptable schedule for making the emergency repair within eight (8) hours of being notified, the repairs will be performed by the city, and the agency, network provider, or public infrastructure contractor will be billed for the repairs necessary to complete the project, including clean up.

(2) Agency, network provider, or public infrastructure contractor will be required to maintain the interim cut repair until they have completed final repairs.

(3) Traffic bearing steel plates shall be utilized on all concrete paving cuts until required curing is accomplished. Asphalt shall be used to provide smooth ramps at the edges. Plates or asphalt may be used for temporary repairs.

(b) All damage caused directly or indirectly to the street surface or subsurface outside the pavement cut area shall be regarded as a part of the street cut. These areas, as established by the city inspector, will be included in the total area repaired.

(c) The agency, network provider, or public infrastructure contractor shall notify the public works department immediately of any damage to other utilities, either city or privately-owned.

(d) Construction methods:

(1) The City of Beaumont Special Provisions to Standard Specifications for Public Works Construction and the City of Beaumont's Standard Construction Details shall govern the cutting and restoration of street and alley pavements in the city. These requirements shall apply equally to any person, public infrastructure contractor, network provider, agency or city department who makes cuts and repairs to streets and alleys in the City of Beaumont. Any above or in-ground equipment shall not be partially or completely within the sidewalk area, or within eighteen (18) inches of the paved sidewalk, unless otherwise approved by the city.

(2) Permanent repairs of utility cuts in existing streets, alleys or easements will be completed by the agency, network provider, or public infrastructure contractor within fourteen (14) calendar days of beginning the work. If an agency, network provider, or public infrastructure contractor does not believe that it will be able to meet this schedule, the agency, network provider, or public infrastructure contractor must contact the city engineer concerning an alternative schedule for the repairs. Any alternative schedule must be approved by the city engineer prior to the beginning of the work. The agency, network provider, or public infrastructure contractor will be responsible for any maintenance of the repair for a period of one (1) year after the repair is complete. Failure to do so will result in the use of the agency's, network provider's or public infrastructure contractor's performance warranty/guarantee by the city to repair any damage, and, possibly, the requirement of additional warrantee(s) and/or the denial of future permits.

(3) Steel plates left in the right-of-way after repairs are completed will be removed by the city and become the city's property.

(4) Excavation in street or alley pavements should begin with an air-hammer shovel, a pavement breaker or other equipment that will not damage the pavement outside an approximate width of the ditch prior to beginning trenching operations. All street excavations will be saw cut before the street is repaired. Full depth saw cuts are required. If the excavation is to pass under where the curb is installed without dummy/expansion joint, the agency, network provider, or public infrastructure contractor may saw cut a smooth line one (1) foot beyond each side of the disturbed base. If no damage to curb is evident to the city inspector, the agency, network provider, or public infrastructure contractor may pump concrete under curb and gutter on cuts less than one

(1) foot wide. The city inspector will make this determination prior to concrete being placed under existing curb and gutter.

(e) *Notification of homeowners' and homeowner associations.* When an agency, network provider, or public infrastructure contractor is installing more than five hundred (500) linear feet of underground facilities, the agency, network provider, or public infrastructure contractor shall notify in writing all homeowner associations, from information maintained by the city, and individual homeowners along the route. Door hangers are an acceptable form of written notification. This notification shall give information about the project, not limited to the proposed location of the facilities, the time length for construction and a contact person to report any problems. The agency, network provider, or public infrastructure contractor must also contact all homeowner associations concerning the location of any underground improvements.

Sec. 14.03.214. - Standards for repair and restoration.

(a) *Agency,* network *provider, public infrastructure contractor responsibility.* The agency, network provider, or public infrastructure contractor shall be fully responsible for the cost and actual performance of all work in the public rights-of-way. The agency, network provider, or public infrastructure contractor shall do all work in conformance with any and all engineering regulations, construction specifications, and design standards adopted by the city. These standards shall apply to all work in the public rights-of-way unless otherwise indicated in the permit.

(b) All restoration shall result in a work site condition equal to or better than the condition in which the site existed prior to construction. Restoration must be approved by the city engineer. In addition to the regulations, specifications, and standards referred to in subsection (a), the following provisions shall apply to work in the public rights-of-way of the city:

(1) Restoration must be to the reasonable satisfaction of the city engineer and the property owner. The restoration shall include, but not be limited to:

a. Replacing all ground cover with the type of ground cover damaged during work or better by sodding, as directed by the city;

b. Installation of all manholes and handholes, as required;

c. Backfilling of all bore pits, potholes, trenches or any other holes which must be done within seven (7) business days after excavation of the bore pits, potholes, trenches or other holes, unless other safety requirements are approved by the city engineer;

d. Leveling of all trenches and backhoe lines;

e. Restoration of excavation site to city specifications;

f. Restoration of all landscaping, trees, shrubs, ground cover, and sprinkler systems; and

g. Repairing and replacing existing erosion control devices that have been damaged or destroyed as a part of the work.

(2) All locate flags shall be removed during the clean-up process by the agency, network provider, or public infrastructure contractor at the completion of the work.

(3) Restoration must be made in a timely manner as agreed upon by the city engineer and the agency, network provider, or public infrastructure contractor. If restoration is not satisfactory and/or is not performed within the agreed upon timeframe, all work in progress, except that related to the problem, including all work previously permitted but not complete, may be halted and a hold may be placed on any permits not approved until all restoration is complete, or the city may complete the work and bill the agency, network provider, or public infrastructure contractor for the repairs performed by the city.

Sec. 14.03.215. - Construction and restoration standards for newly constructed or overlayed streets.

(a) No agency, network provider, or public infrastructure contractor shall cause an open trench excavation or potholing of facilities in the pavement of any public right-of-way for a period of three (3) years from the completion of construction or resurfacing except in compliance with the provisions of this section.

(b) Criteria for approval. No permit for excavation in the right-of-way of new streets shall be approved unless the city engineer finds that all of the following criteria have been met:

(1) Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.

(2) Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.

(3) The proposed excavation cannot reasonably be delayed after the three-year deferment period has lapsed.

(c) Exemptions for emergency operations. Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Agencies, network providers, or public infrastructure contractors with prior authorization from the city engineer to perform emergency maintenance operations within the public rights-of-way shall be exempted from this section. Any agency, network provider, or public infrastructure contractor commencing operations under this section shall submit detailed engineering plans, construction methods, and remediation plans no later than the next business day after initiating the emergency maintenance operation.

(d) Construction and restoration standards for newly constructed or overlayed streets and alleys. The streets shall be restored and repaired in accordance with design and construction standards adopted by the city and guaranteed in accordance with section 14.03.204.

Sec. 14.03.216. - Relocation of facilities for public improvements.

(a) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, water, and other pipelines or cables and conduits, and to do underground and overhead work, and attachments, restructuring, or changes in aerial facilities in, across, along, over, or under a public street, alley, or public rights-of-way occupied by an agency, network provider, or public infrastructure contractor, and to change the curb, sidewalks, or the grade of streets.

(b) The agency, network provider, or public infrastructure contractor must relocate its facilities at its own expense in a timely manner and prior to the start of construction of a city project. Failure to comply with this provision shall subject the agency, network provider, or public infrastructure contractor to the enforcement provisions contained herein.

(c) A permit will be required when making facility adjustments in preparation for city projects, unless the adjustments are exempt under 14.03.198(b).

(d) If the agency, network provider or public infrastructure contractor fails to remove or relocate its facilities as requested within ninety (90) calendar days of receipt of the request, then the city shall be entitled to remove the facilities at the sole cost and expense of the agency, network provider, or infrastructure contractor without further notice. Agency or network provider shall, within thirty (30) calendar days following issuance of invoice for the same, reimburse the city for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the facilities. A hold may be placed on any permits not approved until payment is received.

(e) The duty to remove and relocate at the agency, network provider, or public infrastructure contractor's expense is not contingent on the availability of an alternative location acceptable for relocation.

Sec. 14.03.217. - Abandonment and removal of facilities.

(a) If a registration is not renewed, and subject to sixty (60) calendar days notification to the agency all facilities owned by the agency within the city will be deemed to have been abandoned and shall become the property of the city. The city has appropriated $0 to pay for the cost of any removal or storage of facilities placed in the right-of-way, as authorized under this division, and no other funds are allocated.

(b) Any agency or network provider that intends to discontinue use of any facilities within the public rights-of-way shall notify the city engineer in writing of the intent to discontinue use. Such notice shall describe the facilities for which the use is to be discontinued, including the address and GPS coordinates of any pole, a date of discontinuance of use, which date shall not be less than thirty (30) calendar days from the date such notice is submitted to the city engineer. Upon receipt of notice of discontinuance of use, the city shall have a right of first refusal to acquire agency's or network provider's facilities with the cost for such facilities to be negotiated by the city and the agency or network provider.

(c) Agency or network provider shall, at its sole cost and expense, promptly disconnect, remove or relocate its facilities if ordered to do so by the city pursuant to this division. Agency or network provider shall reimburse city for the city's actual

costs of removal of facilities if agency or network provider fails to promptly disconnect, remove and relocate its facilities. Payment must be made within thirty (30) calendar days from receipt of an invoice for the actual costs from the city.

(d) The city shall not issue any refunds for any amounts paid by agency, network provider or infrastructure contractor for facilities or related ground equipment that have been removed.

Secs. _____ and _____. - Reserved."

Section IV.

All provisions of the Code of Ordinances of the City of Beaumont, codified or uncodified, in conflict with the provision of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Beaumont, codified or uncodified, not in conflict with this Ordinance shall remain in full force and effect.

Section V.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section VI.

The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the city under any section or provisions at the time of passage of this ordinance.

Section VII.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 2nd day of April, 2019.

- Mayor Becky Ames –

ATTEST:

Tina Broussard, City Clerk

APPROVED AS TO FORM:

Tyrone E. Cooper, City Attorney

DAP-SGL

Decorative Antenna Pole with Single Globe Light (16033)

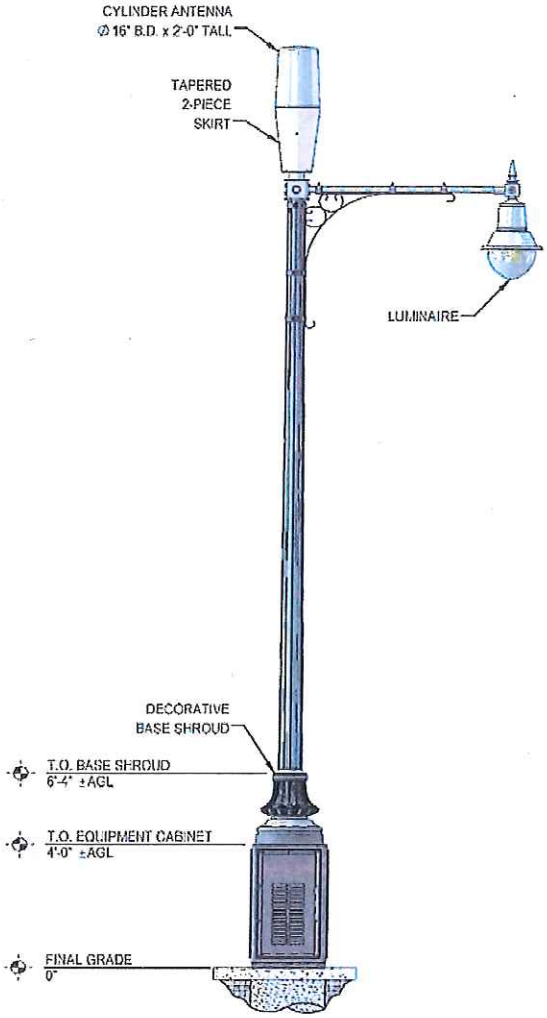
Design Features:

- Designed for pole top cylinder antennas
- Area for splitters and cable management below antenna
- Includes PIM reduction coating on antenna mount
- Removable 2-piece tapered skirt below antenna mount
- Mount provides rotatability and antenna leveling
- Galvanized, power coat, or concrete textured finishes
- Optional decorative pole base shroud available
- Optional base cabinet for housing radio equipment

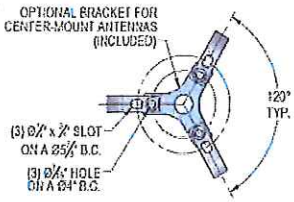
General Design Criteria:

• V_{asd} *(3-Sec. Gust)* =	110 mph
• V_{ult} *(3-Sec. Gust)* =	143 mph
• Exposure	C
• Structure Class/Risk Category	II
• Topographic Category	1

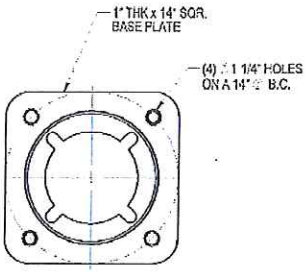
Product No.	*Pole Ht., H*
DAP-SGL 18	18 ft.
DAP-SGL 20	20 ft.
DAP-SGL 22	22 ft.
DAP-SGL 24	24 ft.
DAP-SGL 26	26 ft.
DAP-SGL 28	28 ft.



ELEVATION VIEW



ANTENNA MTG. PATTERN



BASE PLATE

EXHIBIT "A"

5032 Salem Dallas Hwy NW
Salem, OR 97304

Ph: (503) 587-0101; Fx: (503) 316-1864

www.WesternUtilityTelecom.com

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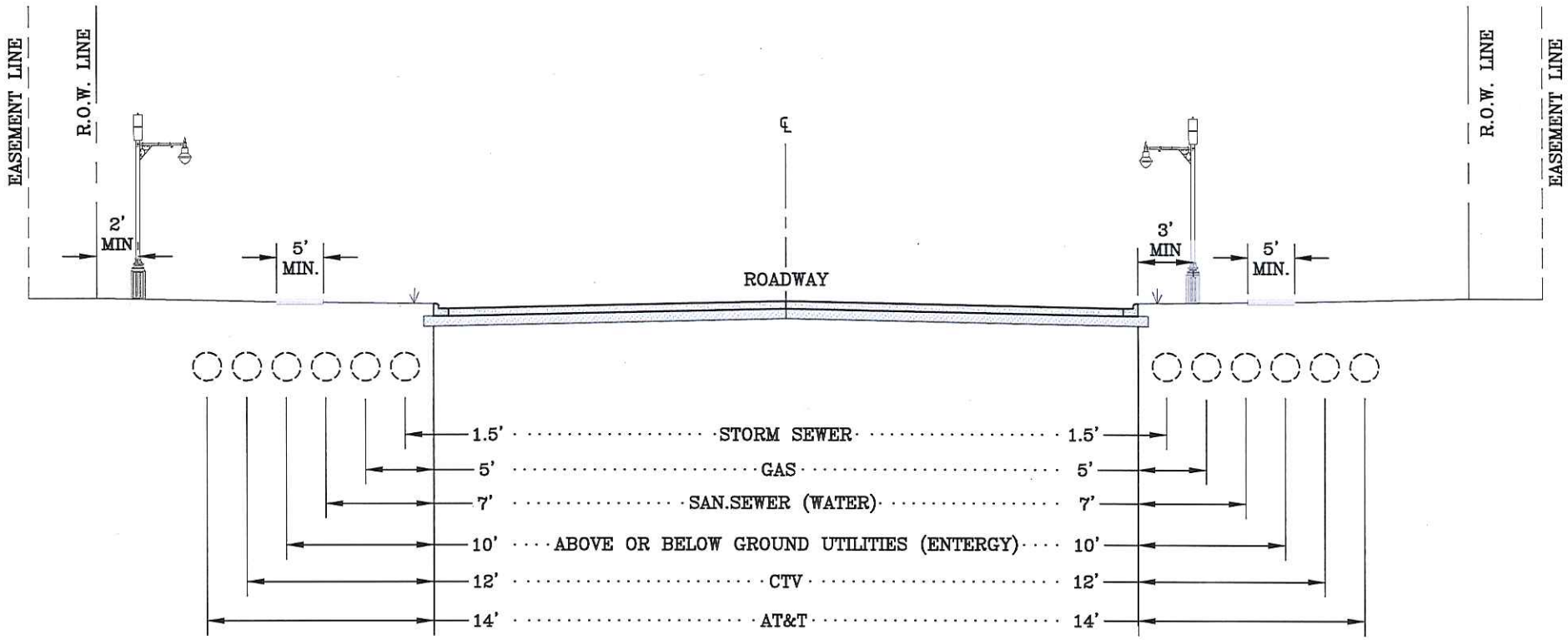
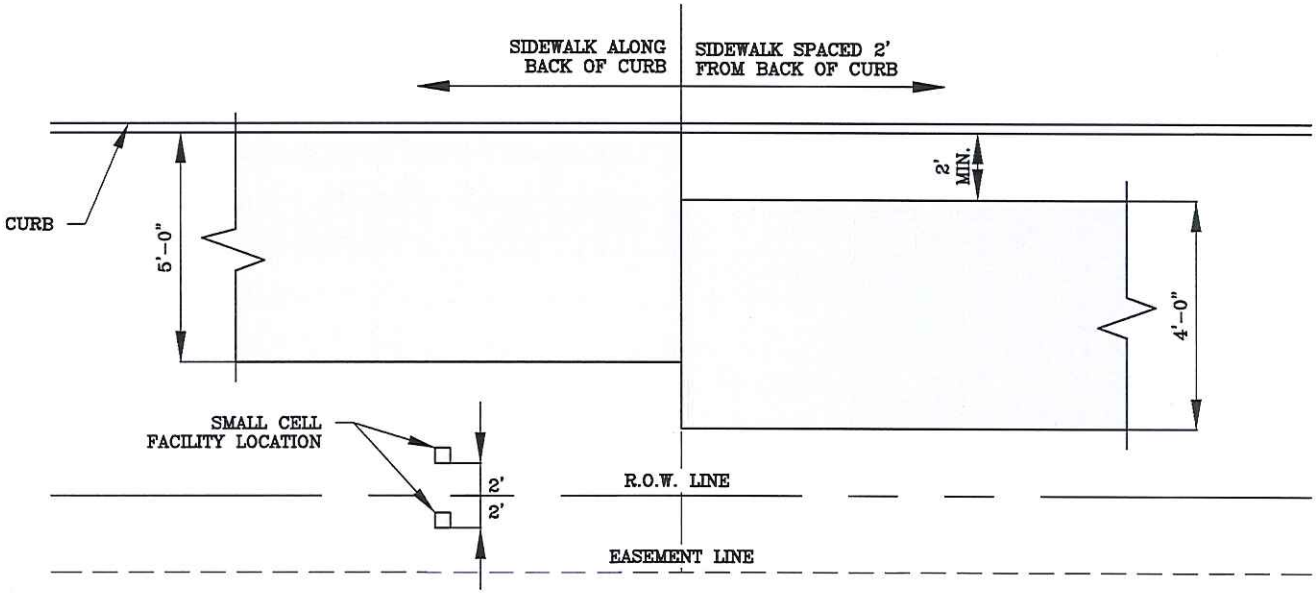


NOTE: ORDINANCE 17-054 SEC. 14.03.210(C) FACILITIES AND RELATED GROUND EQUIPMENT SHALL BE PLACED WITHIN TWO FEET FROM THE OUTER EDGE OF THE RIGHT-OF-WAY LINE AND THREE FEET FROM BACK OF CURB TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE USUAL TRAVEL OR PUBLIC SAFETY ON A PUBLIC RIGHT-OF-WAY.

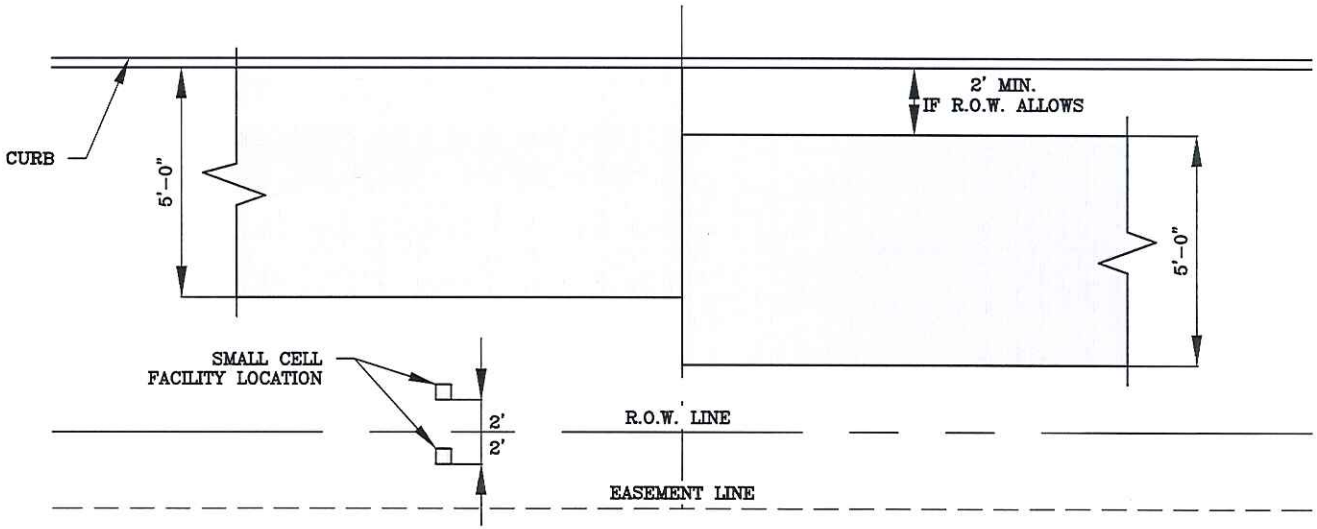
BEAUMONT
Public Works

DESIGNATED UTILITY LOCATION -UNDIVIDED STREET	
PUBLIC WORKS DEPT. ENGINEERING DIVISION	
DWG NO. : EXHIBIT 1	DATE : 2019.02.01

RESIDENTIAL
(COLLECTOR/ARTERIAL)



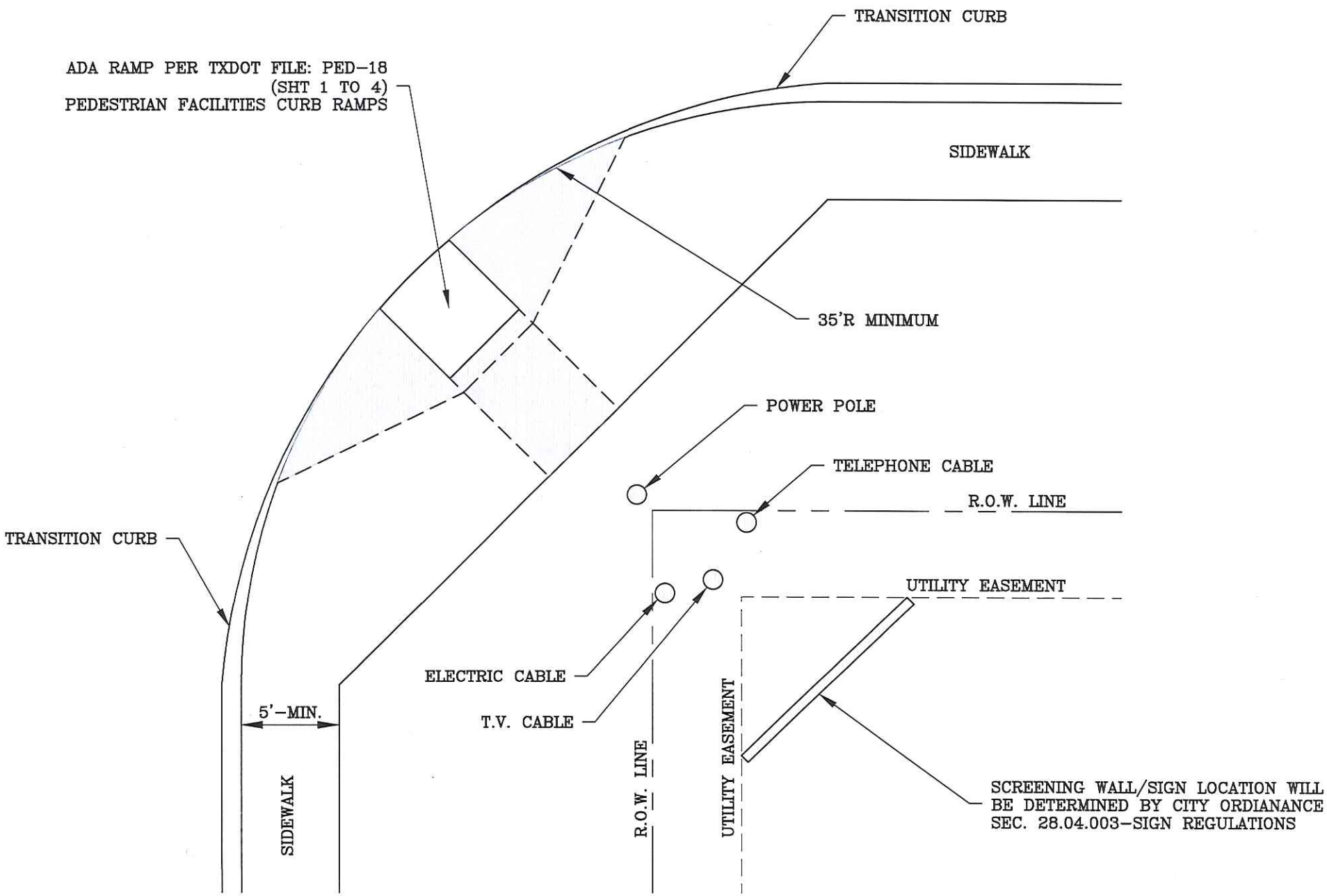
COMMERCIAL



BEAUMONT
Public Works

NOTE:
LOCATION OF POLES AND ANCHOR GUYS ARE STANDARD, PROVIDED THERE IS NO CONFLICT WITH EXISTING OR SCHEDULED UTILITIES IN RESERVED LOCATIONS.

DESIGNATED UTILITY LOCATION – POLE & ANCHOR GUY	
PUBLIC WORKS DEPT. ENGINEERING DIVISION	
DWG NO. : EXHIBIT 2	DATE : 2019.02.01



NOTE:
FACILITIES AT CORNERS MUST
NOT ENCROACH INTO SIGHT
DISTANCE REQUIREMENTS

BEAUMONT
Public Works

DESIGNATED UTILITY LOCATION – STREET INTERSECTION	
PUBLIC WORKS DEPT. ENGINEERING DIVISION	
DWG NO. : EXHIBIT 3	DATE : 2019.02.01

Category	Designation Right-of-Way	R.O.W. Width	Pavement Width
Arterial			
Major	A	80' - 120'	44' - 100'
Minor	B	60' - 90'	30' - 60'
Collector			
Major	C	65'	45'
Minor	D	60'	36'
Local			
Major	E	50'	26'
Minor	F	40'	20'

Exhibit 4