



TEXAS MUNICIPAL LAW BULLETIN™

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New Rules for Small Cell Nodes



Each city can regulate its right-of-way to ensure that there are no obstructions to city streets and that utilities can fit together in the limited space provided. Texas Senate passed Bill 1004 (now Chapter 284 of the Tex. Loc. Gov't Code), effective September 1st, provides special rules for wireless companies to place network nodes (different size boxes with wireless technology attached to utility poles) in public rights-of-way. The bill limits city regulation of the placement of the nodes and poles, and sets low rental and permit fees. However, the new bill does allow cities to adapt their right-of-way management ordinances to regulate the placement and appearance of these facilities. Regulation of placement can include restricted or concealed placement in a park and the city, residential areas, historic districts, and, what is designated by the statute as “design districts”. It is crucial for each city to designate areas within their municipal boundaries as soon as possible to take advantage of these restrictions if it wishes to protect these areas from additional visual clutter and to obtain the small rental fees allowed when the nodes and poles are placed on city poles or in city rights-of-way. This is particularly beneficial to a city with more protected themed design layouts.

An application and registration form are also required if a city wants to regulate placement of nodes and poles.

The Firm has draft ordinances and forms available for modification for your City. Please contact your primary attorney for more information.

Ordinance Revisions

Right-of-Way Management Ordinance and Design Manual

- a. Designate different districts and list parks
- b. Require concealment of some nodes and other facilities
- c. Limit sizes
- d. Permit Application and Registration Requirements Procedures
- e. Give City Officials duties and authority to regulate facilities
- f. Provide for indemnity and insurance requirements for companies placing facilities
- g. Impose safety and cleanup requirements of companies placing facilities
- h. Include preference of location of installation
- i. Requires separate electric supply for facilities
- j. Amend fee schedule to include all types of nodes and related facilities