

CITY COUNCIL AGENDA TOPIC

Resolution authorizing execution of the Telecommunications Right-of-Way Use Agreement with Hyper Fiber of Washington, LLC dba Ripple Fiber.

Andrew Singelakis, Director
Mark Poch, Deputy Director
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Transportation Department

EXECUTIVE SUMMARY

ACTION	This Resolution authorizes execution of a Telecommunications Right-of-Way Use Agreement with Hyper Fiber of Washington, LLC dba Ripple Fiber.
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RECOMMENDATION

Move to adopt Resolution No. 10596

BACKGROUND/ANALYSIS

The 1996 Telecommunications Act was enacted to promote competition among telecommunications providers and to encourage new entrants into local telecommunications markets. Currently, the city is experiencing increased demand from telecommunications providers for access to the right-of-way, driven by intensifying competition and the desire to deliver enhanced telecommunication services to community members and businesses.

Hyper Fiber of Washington, LLC dba Ripple Fiber is registered as a Telecommunications company with the State of Washington Utilities and Transportation Commission. The company proposes to construct, operate, and maintain a fiber optic network throughout the City of Bellevue, delivering high-speed broadband internet service to residential and commercial customers. Adopting the resolution and authorizing the execution of the Telecommunications Right-of-Way Use Agreement will support the City's Comprehensive Plan policy to encourage widespread, affordable, high-speed internet access to local businesses and members of the community.

Obtaining a Telecommunications Right-of-Way Use Agreement is one of the requirements by which the city authorizes a telecommunications company to use the city's rights-of-way for the purpose of providing telecommunications services. The agreement specifies the terms and conditions under which such authority is granted, ensuring compliance with applicable laws and safeguarding public infrastructure. Key provisions in the agreement include:

- Required terms and conditions codified in Bellevue City Code (BCC) Chapters 6.02 and 6.04.
- A five-year term, that may be renewed pursuant to the provisions of BCC Sections 6.04.100 and 6.04.120.
- Non-exclusive rights, allowing the city to enter into similar agreements with other providers.
- Requirements for relocation of telecommunications facilities covered in the agreement and

provisions for working in the right-of-way under separate approved permits.

- Restoration requirements following construction activities within the right-of-way.

Additionally, the agreement requires that all telecommunications providers utilizing city rights-of-way comply with all applicable city ordinances, codes, regulations, standards, policies, and procedures. These measures ensure that telecommunications infrastructure is constructed, operated and maintained in a responsible manner, and protects the integrity of the public right-of-way.

POLICY & FISCAL IMPACTS

Policy Impact

Revised Code of Washington:

RCW 35.99 Telecommunications, Cable Television Service – Use of Right-of-Way:

“Master Permit” means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating facilities.

“Use permit” means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right-of-way for the purpose of installing, maintaining, repairing, or removing identified facilities.

Bellevue City Code:

Telecommunications BCC Chapter 6.04:

6.04.010 Telecommunications right-of-way use agreement

A Telecommunications Right-of-Way Use Agreement shall be required of any telecommunication carrier or provider who desires to occupy or otherwise use city rights-of-way for the purpose of providing telecommunications services. (Ord. 5061 § 3, 1998.)

Right-of-Way Use Code BCC Chapter 14.30:

14.30.070 Permit Requirements

Any telecommunications carrier or provider who desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over, or across any right-of-way of the city for the purpose of providing telecommunications services shall first obtain authorization in the form of a telecommunications right-of-way use agreement authorizing the use of such right-of-way consistent with the requirements and conditions of such agreement.

Comprehensive Plan Policies:

Telecommunications Utility

UT-82: Encourage widespread, affordable, high-speed internet access, including access to competing telecommunication services and new forms of technology to provide the community with choice and to facilitate innovation.

Council Strategic Target Areas:

High Quality Built and Natural Environment

Invest in high-quality technology infrastructure to support smart city initiatives and improve high-speed internet access and affordability for residents and businesses.

Fiscal Impact

Hyper Fiber of Washington, LLC dba Ripple Fiber will be responsible for obtaining all necessary approvals, authorizations and agreements for the construction and operation of its telecommunications facilities. They will be responsible for paying all applicable permit fees included in the Development Services Fee Ordinance adopted by City Council.

OPTIONS

1. Adopt the Resolution authorizing execution of the Telecommunications Right-of-Way Use Agreement with Hyper Fiber of Washington, LLC dba Ripple Fiber.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS

Proposed Resolution No. 10596

AVAILABLE IN COUNCIL LIBRARY

Telecommunications Right-of-Way Use Agreement with Hyper Fiber of Washington, LLC dba Ripple Fiber