

**CITY COUNCIL AGENDA TOPIC**

Resolution authorizing execution of the Telecommunications Right-of-Way Use Agreement with SQF, LLC doing business as Verta.

Andrew Singelakis, Director  
Mark Poch, Deputy Director  
Vanessa Humphreys, Assistant Director  
Cassie Davis, Franchise Utility Manager  
*Transportation Department*

**EXECUTIVE SUMMARY**

<b>ACTION</b>	This Resolution authorizes execution of a Telecommunications Right-of-Way Use Agreement with SQF, LLC doing business as Verta.
---------------	--

**RECOMMENDATION**

Move to adopt Resolution No. 10619.

**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.

SQF, LLC doing business as (dba) Verta is registered as a Telecommunications company with the State of Washington Utilities and Transportation Commission. The company proposes to enhance wireless telecommunication services and coverage throughout the city by construction, operation and maintenance of small wireless facility (SWF) infrastructure. SQF, LLC dba Verta proposes to partner with wireless carriers, providing ownership, operations, and maintenance of SWF infrastructure while the wireless carriers will broadcast over their licensed frequencies from the individual SWF sites. SQF, LLC dba Verta does not propose to provide telecommunications services or wireless coverage directly to commercial or residential retail customers.

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:

- The terms and conditions derived from 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**

SQF, LLC dba Verta will be responsible for obtaining all necessary approvals, authorizations and agreements for the construction and operation of its telecommunications facilities. SWF, LLC dba Verta will be responsible for paying all applicable permit fees included in the Development Services Fee Ordinance adopted by Council.

**OPTIONS**

1. Adopt the Resolution authorizing execution of the Telecommunications Right-of-Way Use Agreement with SQF, LLC doing business as Verta.
2. Do not adopt the Resolution and provide alternative direction to staff.

**ATTACHMENTS**

Proposed Resolution No. 10619

**AVAILABLE IN COUNCIL LIBRARY**

Telecommunications Right-of-Way Use Agreement with SQF, LLC dba Verta