

**CITY COUNCIL REGULAR SESSION**

Resolution authorizing execution of the Telecommunications Right of Way Use Agreement with Mobilitie, LLC.

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**EXECUTIVE SUMMARY**

This Resolution authorizes the City Manager to execute the Telecommunications Right of Way Use Agreement with Mobilitie, LLC.

**RECOMMENDATION**

Move to adopt Resolution No. 9463.

If approved, effective date: 09/17/2018

**BACKGROUND/ANALYSIS**

The 1996 Telecommunications Act encourages new entrants into local telecommunications markets. The City is experiencing increased demand from telecommunication providers for access to the right-of-way as competition intensifies and companies seek to provide the City with enhanced telecommunication services.

Mobilitie, LLC has a national presence as a provider of telecommunications services. Mobilitie, LLC will be enhancing wireless telecommunications services at thirteen proposed locations in Bellevue. This will involve upgrading communication infrastructure by providing enhanced wireless reception to areas that large cell towers are not able to cover.

Obtaining a Right-of-Way Use Agreement is one of the requirements by which the City authorizes entry of telecommunication providers into the City's rights-of-way. The agreement specifies the terms and conditions under which such authority is granted. Major terms and conditions of the agreement include:

- The terms and conditions of Bellevue City Code (BCC) Chapters 6.02 and 6.04
- The administrative fee of \$5,000 (paid)
- The term of five (5) years that may be renewed pursuant to the provisions of BCC Sections 6.04.100 – 6.04.120
- The agreement is non-exclusive - the City can enter into similar agreements with other providers
- The provisions for relocation of telecommunications facilities covered in the agreement
- The provisions for working in the right-of-way under separate approved permits
- The restoration requirements after construction within the right of way

In addition, it requires all providers utilizing City rights-of-way to comply with all applicable City ordinances, codes, regulations, standards, policies, and procedures.

Subsequent requests by Mobilitie for additional project installations in the right-of-way would be approved administratively by the Transportation Department per Bellevue City Code Chapter 6.04.130.

## **POLICY & FISCAL IMPACTS**

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 telecommunications 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:

UT-50: 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.

UT-51: Maintain Bellevue's competitive advantage and attraction as a highly connected community.

Fiscal Impact:

There is no fiscal impact associated with this Resolution. Mobilitie, LLC has paid the required \$5,000 application fee.

## **OPTIONS**

1. Adopt the Resolution authorizing execution of the Telecommunications Right of Way Use Agreement with Mobilitie, LLC.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

Proposed Resolution

## **AVAILABLE IN COUNCIL LIBRARY**

Right of Way Use Agreement