



APPLICATION

Deployment of Network Nodes in Public-Right-of-Way

(Streets, sidewalks, and other public places)

1. This application is addressed to the Director or designee and made on a form furnished for that purpose, stating the extent, dimensions, character and purpose of the cut or excavation to be made, the location, by street and number if possible, where the work is to be done, and the time in which it is to be completed. This application form is accompanied by maps of the existing facilities in the area, to the extent available, and the location of the proposed facilities, methodology of construction, and proposed start and completion dates. When the work includes excavating, which will exceed five feet in depth, a trench safety design sealed by a licensed professional engineer shall also accompany the application, unless otherwise provided by law.
2. A permit shall only be valid for the area of the right-of-way specified within the permit. No permittee may cause any work to be done outside the area specified in the permit, except as provided herein. Any permittee who determines that an area is greater than that which is specified in the permit must apply for and receive a new right-of-way permit.
3. The Town of Addison must approve or deny an application for a network node not later than the 60th day after the date the municipality receives the complete application. The Town must approve or deny an application for a transport facility not later than the 21st day after the date the municipality received a complete application. Denial of a complete application will include the basis for the denial, including specific applicable code provisions or other municipal rules, regulations, or other law on which the denial was based via electronic mail. Not later than the 30th day after the date the municipality 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 municipality.
4. The application is not complete unless it contains all information required by this Ordinance, requested on the application form, and required by any supplemental list of required documentation provided by the Town with the application form.
5. If a Right-of-Way User will be utilizing a Town pole for installation of facilities, a Pole Attachment Agreement must be provided in supplement to this application.
6. The following fee schedule will apply:

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	
Small cell user fees (This penalty shall not exceed and is capped by statutory limits)	\$500.00 (1-5 network nodes); \$250.00 (each additional network node); \$1,000.00 per pole
Small cell user fees (This penalty shall not exceed and is capped by statutory limits)	\$250.00 annually for each network node; \$20.00 per year for Town pole attachment



FOR ADDISON USE ONLY
Permit Number: _____
Location: _____

APPLICATION
Deployment of Network Nodes in Public Right-of-Way
 (Streets, sidewalks, and other public places)

PLEASE PRINT LEGIBLY

Date of application: _____

Facility Owner Company: _____ Company Phone #: _____

Utility/CTP Representative: _____ Cell Phone #: _____

General Contractor: _____ Company Phone #: _____

Site Supervisor Name: _____ 24 hour phone #: _____

Work Site Address and Location: _____

Purpose and general description of work: _____

Proposed Start Work Date: _____ Estimated Completion Date: _____

Pavement Cut? Yes No Directional Bore/Boring? Yes No

Excavation? Yes No Lane Closure? Yes No Other: _____

Applicant's Printed Name	Signature	Position with Company
Applicant's Email: _____		Applicant's Phone Number: _____
Direct Supervisor's Printed Name	Phone Number	Company Name

FOR ADDISON USE ONLY

Received By: _____ Entered? Yes Received Date: _____

Approved By: _____ Inspector: _____ Issue Date: _____

Plans Submitted? Yes No N/A Trench Safety Design Submitted? Yes No N/A

Insurance Provided? Yes No On File Performance/Maintenance Bond? Yes No On File N/A

Fee Paid: _____ Receipt#: _____ Date: _____ Processed By: _____

Picked Up By: _____ Company: _____ Date & Time: _____

TOWN OF ADDISON INFRASTRUCTURE AND DEVELOPMENT SERVICES
 DEPARTMENT ATTN.: NETWORK NODE PERMIT - DAVE WILDE
 972-450-2847 16801 WESTGROVE RD. ADDISON, TX 75001-9010
 PHONE: 972-450-2871 FAX: 972-450-2837



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Sub-Contractor List

PLEASE PRINT LEGIBLY

General Contractor's Name: _____ **General Contractor's Phone #:** _____

Sub-Contractor #1 Company Name: _____ **Address:** _____

Print Sub-Contractor's Name: _____ **Sub-Contractor Phone #:** _____

Print Site Supervisor's Name: _____ **Supervisor's Phone #:** _____

Insurance Provided? Yes No On File

Sub-Contractor #2 Company Name: _____ **Address:** _____

Print Sub-Contractor's Name: _____ **Sub-Contractor Phone #:** _____

Print Supervisor's Name: _____ **Supervisor's Phone #:** _____

Insurance Provided? Yes No On File

Sub-Contractor #3 Company Name: _____ **Address:** _____

Print Sub-Contractor's Name: _____ **Sub-Contractor Phone #:** _____

Print Supervisor's Name: _____ **Supervisor's Phone #:** _____

Insurance Provided? Yes No On File



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Please answer and check the appropriate field for each question relating to your application below.

1. Is this form accompanied by maps of the existing facilities in the area, to the extent available, and the location of the proposed facilities?

Yes

No

2. Have you provided applicable construction and engineering drawings and information that confirm compliance with the Design Manual and Applicable Codes?

Yes

No

3. Is there any additional information reasonably related to the use of the public rights-of-way to ensure your compliance with the Design Manual, Chapter 70 of the Town of Addison Code of Ordinances, and Chapter 284 of the Texas Local Government Code?

Yes

No

4. Have you provided a certificate that the Network Node(s) complies with applicable regulations of the Federal Communications Commission?

Yes

No

5. Have you provided certification that the proposed network node(s) will be placed into active commercial service by or for the network provider not later than the sixtieth (60th) day after the date of construction and final testing of each network node is completed?

Yes

No

6. Has a certificate of insurance been provided that establishes the Network Provider and its contractor have at least \$1,000,000.00 in general liability coverage, in addition to other Right-of-Way Management Ordinance Page 44 of 84 insurance policy(ies) deemed necessary by the Director as provided by and in accordance with this Ordinance?

Yes

No

7. Have you provided written approval from the owner of the utility pole, if not the Town, that the network provider is authorized to install facilities at said utility pole?

Yes

No

N/A

8. Have you provided written certification that there are no other poles, with small cell attachments permitted/under application review, within 300 feet of the subject pole(s)?

Yes

No

EXHIBIT A
WIRELESS SERVICES DESIGN MANUAL

Town of Addison, Texas
Wireless Services Design Manual

I. Purpose

1.1. Purpose.

- A. The Town of Addison (“Town”) recognizes that the State of Texas has delegated to the Town the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety and welfare of the public to Texas municipalities.
- B. Local Government Code, Chapter 284 (“Chapter 284”), allows certain wireless network providers to install in the public rights-of-way their wireless facilities, described and defined in Chapter 284.
- C. The Town encourages the deployment of state-of-the-art small cell wireless technology in a manner that balances the public need for efficient, safe transportation routes and the use of public rights-of-way within the Town, as any other right-of-way user.
- D. The standards and procedures provided in this *Wireless Services Design Manual* (“Design Manual”) are adopted to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the Town’s Right-of-Way and to minimize and reduce impacts to the Town, its residents and visitors; and for the general health and welfare of the public.
- C. Due to the increasing number of facilities in the Town’s Right-of-Way, the Town has adopted the “Right-of-Way Management Ordinance” (“ROW Ordinance”), article III of Chapter 70 of the Code of Ordinances, which is applicable to all public service providers including Wireless Service Providers or Network Providers (collectively, “Network Providers”) as defined by Chapter 284 of the Texas Local Government Code.
- D. In addition, the Town has adopted this Design Manual to provide technical criteria and details necessary for Network Providers seeking to install and construct network nodes and node support poles in the Town’s Right-of-Way.
- E. Network Providers shall adhere to the requirements found in the ROW Ordinance and this Design Manual for the placement of their facilities within the Town’s Right-of-Way.
- F. To the extent of any conflict with the ROW Ordinance and this Design Manual, the ROW Ordinance and then the Design Manual shall control, in that order, with regard to a Network Provider.
- G. Pursuant to the ROW Ordinance, the Director of Infrastructure and Development Services has the absolute authority to amend any portion of this Design Manual and

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WIRELESS SERVICES DESIGN MANUAL

his/her discretion.

II. Definitions

For purposes of this *Wireless Services Design Manual* the following terms shall have the meanings herein; the definitions for other terms not specifically defined herein may be found in the ROW Ordinance. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural. The word "shall" is always mandatory and not merely permissive.

- A. *"Abandon"* and its derivatives means the network nodes and node support poles, or portion thereof, that have been left by Network Provider in an unused or non-functioning condition for more than 120 consecutive days unless, after notice to Network provider, Network Provider has established to the reasonable satisfaction of the Town that the network nodes and node support poles, or portion thereof, has the ability to provide communications.
- B. *"Design District"* means an area that is zoned, or otherwise designated by Town's ordinances and Applicable Codes, and for which the Town maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.
- C. *"Interference"* shall mean any electronic device or signal, including but not limited to, radio frequency ("RF") emissions or signals, physical obstruction, degradation, or other substantial adverse effect to electronic communications signals, including but not limited to RF signals.
- D. *"Network node"* means Network Provider's equipment as defined by Chapter 284 of the Texas Local Government Code.
- E. *"Node support pole"* means a pole as defined by Chapter 284 of the Texas Local Government Code.
- F. *"Park"* means an area that is zoned or otherwise designated by the Town or Town ordinance as a public park for the purpose of recreational activity.
- G. *"Permit"* means a document issued by the Town pursuant to the ROW Ordinance, authorizing installation, removal, modification and other work for Network Provider's network nodes or node support poles in accordance with the approved plans and specifications.
- H. *"Public Right-of-Way"* means the surface of, and the space above and below, any street, road, highway, freeway, tollway, lane, path, drainageway, channel, fee interest, public way or place, sidewalk, alley, boulevard, parkway, drive, fire lane or other easement now or hereafter held by the Town or over which the Town exercises any rights of management or control and shall include, but not be limited to, all easements now held, or hereafter held, by the Town, but shall specifically exclude private property.

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- I. *“Town”* means the Town of Addison, Texas and the Town’s officers and employees.
- J. *“Traffic Signal”* means any Town owned or operated device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- K. *“Underground District”* means an area where poles, overhead wires, associated overhead or above ground structures, or any other type of utility facility are required to be installed, buried or fixed underground because the area has been designated with an undergrounding requirement.

III. Permitting

3.1 Attachment to Existing Poles.

Prior to installation or modification of a network node or node support pole, Network Provider shall complete and submit to the Town a Public Right-of-Way Permit application, along with standard required documents and the following items. The Town shall require all of the following information, in addition to any information required by the ROW Ordinance, in order to determine the completeness of the application:

- A. Permit fee.
- B. Aerial Map showing the location of the existing pole to which the network node is proposed to be attached, and a street view image.
- C. Plans and drawings prepared by a professional engineer licensed in the State of Texas that has evaluated the existing pole or infrastructure for structural stability to carry proposed network nodes and can bear the wind load without pole modification or whether the installation will require pole re-enforcement. If pole re-enforcement is necessary, Network Provider shall provide engineering design and specification drawings for the proposed alteration to the existing pole. Any pole re-enforcement or replacement shall be at Network Provider’s sole cost. All re-enforcement or replacement poles shall match the character of the pre-existing pole in order to blend into the surrounding environment and be visually unobtrusive. Town reserves the right to deny a certain type of pole due to its differences.
- D. Scaled dimensioned drawings or pictures of the proposed attachments of the network node to the existing poles or structures as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk, and other existing light poles and any other poles or appurtenances. This shall include a before-and-after image of the pole and all proposed attachments and associated standalone equipment.
- E. Scaled dimensioned construction plans indicating the current Public Right-of-Way line and showing the proposed underground conduit and equipment, and its spacing from existing utilities. The drawings shall also show a sectional profile of the Public Right-

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of-Way and identify all existing utilities and existing utility conflicts.

- F. If a Town pole is proposed, the Town pole ID number shall be provided, when available. If the pole ID number is not available, the Network Provider shall identify the closest cross street section and address for location purposes.
- G. The applicant needs to provide detailed analysis that the proposed network node shall not cause any interference with the Town public safety radio system, traffic signal light system, SCADA (Supervisory Control and Data Acquisition) System, other “wireless” communication networks/components, other communications components or the operations of Addison Airport. It shall be the responsibility of the Network Provider to evaluate, prior to making the application for the permit, the compatibility between the existing Town infrastructure and the Network Provider’s proposed infrastructure. A network node shall not be installed in a location that causes any interference. Network nodes shall not be allowed on Town’s public safety radio infrastructure.
- H. A traffic control plan, SWPPP, and trench safety plan may also be required based on the proposed scope of work as determined by the Town.
- I. The Town issued Public Right-of-Way permit authorizes use of its Public Right-of-Way. Network Providers/applicants are responsible for obtaining permission on non-Town-owned infrastructure. If the project lies within the State Right-of-Way, the applicant must provide written evidence of a permit from the State.
- J. If the Network Provider is installing on a third-party pole, the Network Provider must provide written approval from the thirty-party that they are authorized to locate on the pole.
- K. The Network Provider shall provide notification to adjacent residential developments/neighborhoods within 300 feet of the node attachments on Town infrastructure at Network Provider’s sole cost and expense. Notification must be made at least 24 hours prior to the commencement of the work.

The proposal shall comply with the following standards:

- A. Unless otherwise subject to Underground District or Design District requirements, any facilities located off pole must remain in cabinetry or enclosed structure underground, except for the electric meter pedestal. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the pole or structure.
- B. The electrical meter **shall not** be mounted on a Town’s metal pole or structure. Network Provider shall use 240 voltage when connecting to any Town infrastructure and provide key to meter upon inspection.
- C. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with TAS, ADA and shall not obstruct an existing

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or planned sidewalk or walkway.

- D. All proposed projecting attachments to the pole, excluding the electric meter shall provide a minimum vertical clearance of eight (8) feet. If any attachments are projecting towards the street side, it shall provide a minimum vertical clearance of 16 feet.
- E. The color of the network nodes shall match the existing pole color such that the network nodes blend with the color of the pole to the extent possible.
- F. It is the responsibility of the Network Provider to certify on the application that there are no other poles, with small cell attachments permitted/under application review, within 300 feet of the subject pole(s).

3.2 Installation of New Poles.

Prior to installation or modification of a node support pole, Network Provider shall complete and submit to the Town a Commercial Building Permit application for the new pole, as well as a Public Right-of-Way Permit application. Along with standard required documents and requirements set forth in the ROW Ordinance, the following items will also be required for the ROW Permit application:

- A. Permit fee.
- B. Map showing intended location of the node support pole. Aerial Map showing the location of the proposed new pole, and a street view image.
- C. The applicant will need to provide analysis showing that the proposed new node support pole is spaced at least three hundred (300) linear feet from another existing pole that is capable of supporting network nodes along the proposed location, unless otherwise approved by the Town in writing.
- D. Scaled dimensioned drawings or pictures of the proposed node support pole as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk, light poles, and any other poles or appurtenances. This shall include a before-and-after street view image. The after-image needs to include the proposed pole and all proposed attachments and associated standalone equipment.
- E. Scaled dimensioned construction plans indicating the current Public Right-of-Way line and showing the proposed underground conduit and equipment, its spacing from existing lines. The drawings shall also show a sectional profile of the Public Right-of-Way and identify all existing utilities and existing utility conflicts.
- F. A traffic control plan, SWPPP, and trench safety plan may also be required based on the proposed scope of work.
- G. The applicant needs to provide analysis that the proposed network node shall not

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cause any interference with Town public safety radio system, traffic signal light system, SCADA (Supervisory control and data acquisition) System, other “wireless” communication networks/components, other communications components or Addison Airport. It shall be the responsibility of Network Provider to evaluate, prior to making application for permit, the compatibility between the existing Town infrastructure and Network Provider’s proposed infrastructure. A network node shall not be installed in a location that causes any interference. Network nodes shall not be allowed on Town’s public safety radio infrastructure.

- H. If the project lies within the State Right-of-Way, the applicant must provide evidence of a permit from the State.
- I. Notification to adjacent residential developments/neighborhoods within 300 feet is required on all node support poles owned by Network Provider.

The proposal shall comply with the following standards:

- J. Any facilities located off pole must remain in cabinetry or enclosed structure underground. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the pole or structure. Shroud poles, as shown in the below image, are encouraged.
- K. The electric meter shall not be mounted on Town’s poles or structures. Network Provider shall use 240 voltage when connecting to any Town infrastructure and provide a key to the meter upon inspection.
- L. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground shall comply with TAS, ADA and shall not obstruct an existing or planned sidewalk or walkway.
- M. Wooden poles are prohibited. All new poles are required to be break-away and painted/powder coated a color approved by the Town. All attachments for the network nodes shall also match the color of the network support pole. All network support poles shall match the existing poles in the surrounding block or district in which the network support pole is located in order to blend into the surrounding environment and be visually unobtrusive. Town reserves the right to deny a certain type of pole due to its differences.
- N. Upon approval of the permit, the Network Provider shall call for locates. All locate requests shall be handled through the Texas311 call center.



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3.3. Electrical Permit.

- A. Network Provider shall be responsible for obtaining any required electrical power service to the network nodes and node support poles or structures. Network Provider's electrical supply shall be separately metered from the Town and must match Town infrastructure voltage.
- B. Network Provider shall provide Town with the electrical permit and provide sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, etc.

IV. Network Node and Node Support Pole Requirements

4.1 Installation.

Network Provider shall, at its own cost and expense, install the network nodes and node support poles in a good and workmanlike manner and in accordance with the requirements promulgated by this Design Manual, the ROW Ordinance and all other applicable laws, ordinances, codes, rules and regulations of the Town, the state, and the United States ("Laws"), as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the Town. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the network nodes and node support poles shall be in compliance with all applicable Laws.

4.2 Inspections.

The Town may perform visual inspections of any network nodes and node support poles located in the Public Right-of-Way as the Town deems appropriate without notice. If the inspection requires physical contact with the network nodes or node support poles, the Town shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

In the event of an emergency, the Town may, but is not required to, notify Network Provider of an inspection. The Town may take action necessary to remediate the emergency situation and the Town shall notify Network Provider as soon as practically possible after remediation is complete.

4.3. Placement.

- A. *Parks.* Placement of network nodes and node support poles in any Parks, Park roads, sidewalk, or property is prohibited unless such falls within the definition of Public right-of-way in Chapter 284 of the Texas Local Government Code and the placement complies with applicable laws, private deed restrictions, and other public or private restrictions on the use of the Park.
- B. *Town Infrastructure.* Network Provider shall neither allow nor install network nodes or node support poles on any Town property that falls outside the definition

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of Public Right-of-Way in Chapter 284 of the Texas Local Government Code.

- C. *Residential Streets.* Network Provider shall neither allow nor install new node support poles in Public Right-of-Way that is adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- D. *Underground District.* In a designated Underground District, no new infrastructure can be placed above ground.
- E. *Design District.* Network Provider shall neither allow nor install network nodes or node support poles in the Public Right-of-Way that is within a Design District as defined by Chapter 284 of the Texas Local Government Code, unless approved by the Town in writing.
- F. *Decorative Poles.* Network Provider shall neither allow nor install network nodes on a Decorative Pole as defined by Chapter 284 of the Texas Local Government Code, unless approved by the Town in writing. This standard shall be applicable in all Design Districts as designated in the ROW Ordinance.
 - 1. On a Decorative Pole in a Design District, the installation of the network node shall cause no change in the outward appearance of the Decorative Pole.
 - 2. On all other poles in a Design District, the installation of the network node or network node support pole shall be stealth. See examples below.
- G. *Poles.* Wireless Facilities on a node support poles shall be installed at least eight (8) feet above the ground. If any attachments are projecting towards the street side, it shall provide a minimum vertical clearance of 16 feet.
- H. *Public Right-of-Way.* Node support poles and ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Public Right-of- Way line. Node support poles and ground equipment or network nodes shall not impede pedestrian or vehicular traffic in the Public Right-of-Way. If a node support pole and ground equipment or network node is installed in a location that is not in accordance with the plans approved by the Town and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Public Right-of-Way non-compliant with



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applicable Laws, including the American Disabilities Act, then Network Provider shall remove the node support poles, ground equipment or network nodes.

4.4 Fiber Connection.

Network Provider shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its node support poles or network nodes.

4.5 Generators.

Network Provider shall not allow or install generators or back-up generators in the Public Right-of-Way.

4.6 Equipment Dimensions.

Network Provider's node support poles and network nodes shall comply with the dimensions set forth in Chapter 284 of the Texas Local Government Code.

4.7 Tree Maintenance.

In accordance with the ROW Ordinance, Network Provider, its contractors, and agents shall obtain written permission from the Town before trimming trees hanging over its node support poles and network nodes to prevent branches of such trees from contacting node support poles and network nodes, as required by the ROW Ordinance. When directed by the Town, Network Provider shall trim under the supervision and direction of the Parks Director. The Town shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

4.8 Signage.

- A. Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes 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 Town.
- B. Except as required by Laws or by the utility pole owner, Network Provider shall not post any other signage or advertising on the node support poles and network nodes, or utility pole.

4.9 Overhead Lines Prohibited.

All overhead lines connecting to the node support pole where other overhead telecommunications or utility lines are or planned to be buried below ground as part of a project shall be buried below ground.

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4.10 Repair.

Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of the node support poles or network nodes, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the Town to be damaged or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any Laws, Network Provider, at its sole cost and expense, shall promptly repair and return such property to its original condition. If Network Provider does not repair such property or perform such work as described in this paragraph, then the Town shall have the option, upon 15 days' prior written notice to Network Provider or immediately if there is an imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of Network Provider and to charge Network provider for the reasonable and actual costs incurred by the Town. Network provider shall reimburse the Town for the costs.

4.11 Graffiti Abatement.

As soon as practical, but not later than seven (7) days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its node support poles and network nodes located in the Public Right of Way.

4.12 Inventory

Network Provider shall maintain a list of its network nodes and node support poles and provide Town an Inventory of locations within ten (10) days of installation. The Inventory of network nodes and node support poles shall include GIS coordinates, date of installation, Town pole ID number (if applicable), type of pole used for installation, pole owner, and description/type of installation for each network node and node support pole installation.

Upon Town's written request, Network Provider shall provide a cumulative Inventory within thirty (30) days of Town's request. Concerning network nodes and node support poles that become inactive, the Inventory shall include the same information as active installations in addition to the date the network node and/or node support pole was deactivated and the date the network node and/or node support pole was removed from the Public Right-of-Way. Town may compare the Inventory to its records to identify any discrepancies.

4.13 Reservation of Rights.

- A. The Town reserves the right to install, and permit others to install, utility facilities in the Public Rights-of-Way. In permitting such work to be done by others, the Town shall not be liable to Network Provider for any damage caused by those persons or entities.
- B. The Town reserves the right to locate, operate, maintain, and remove Town traffic

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signal poles in the manner that best enables the operation of its traffic signal system and protect public safety.

- C. The Town reserves the right to locate, operate, maintain, and remove any Town pole or structure located within the Public Right-of-Way in the manner that best enables the Town's operations.

4.14 Coordination of Traffic Signal Maintenance Activities and Emergency Response

Network Provider will provide Town a key to each meter box at the time of inspection and have the ability to temporarily cut-off electricity to its facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks, Town will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect Network Provider's network nodes, Network Provider shall have the sole responsibility to repair or replace its network nodes and shall coordinate its own emergency efforts with the Town.

V. Interference with Operations

5.1 No Liability

- A. The Town shall not be liable to Network Provider for any damage caused by other Network Providers with Wireless Facilities sharing the same pole or for failure of Network Provider's network nodes for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.
- B. The Town shall not be liable to Network Provider by reason of inconvenience, annoyance or injury to the network nodes or node support poles or activities conducted by Network Provider therefrom, arising from the necessity of repairing any portion of the Public Right-of-Way, or from the making of any necessary alteration or improvements, in, or to, any portion of the Public Right-of-Way, or in, or to, Town's fixtures, appurtenances or equipment. The Town will use reasonable efforts not to cause material interference to Network Provider's operation of its network nodes or node support poles.

5.2 Signal Interference with Town's Communications and Addison Airport Operations and Infrastructure Prohibited.

- A. There shall be no interference with the Town's communications systems, including the public safety radio system, or the Addison Airport operations and infrastructure. In the event that Network Provider's network nodes interferes with the Town's traffic signal system, SCADA (Supervisory control and data acquisition) System, other "wireless" communication networks/components, public safety radio system, or other Town communications infrastructure operating on spectrum where the

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Town is legally authorized to operate, Network Provider shall immediately cease operation of the network nodes causing said interference upon receiving notice from the Town and refrain from operating. Network Provider shall respond to the Town's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.

- B. Protocol for Responding to Event of Interference. The protocol for responding to events of interference will require Network Provider to provide the Town an Interference Remediation Report that includes the following items:
1. Remediation Plan. Revise a remediation plan to stop the event of inference;
 2. Time Frame for Execution. Provide the expected time frame for execution of the remediation plan; and
 3. Additional Information. Include any additional information relevant to the execution of the remediation plan.

In the event that interference with Town facilities cannot be eliminated, Network Provider shall shut down the network nodes and remove or relocate the network node that is the source of the interference as soon as possible to a suitable alternative location made available by Town.

- C. Following installation or modification of a network node, the Town may require Network Provider to test the network node's radio frequency and other functions to confirm it does not interfere with the Town's Operations.

VI. Abandonment, Relocation and Removal

6.1 Abandonment of Obsolete Network Nodes and Node Support Poles

Network Provider shall remove network nodes and node support poles when such facilities are abandoned regardless of whether or not it receives notice from the Town. Unless the Town sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the network nodes and node support poles being abandoned or within 90 days of receipt of written notice from the Town. When Network Provider removes or abandons permanent structures in the Public Right-of-Way, the Network Provider shall notify the Town in writing of such removal or abandonment and shall file with the Town the location and description of each network node or node support pole removed or abandoned. The Town may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Public Right-of-Way.

6.2 Relocation and Removal at Network Provider's Expense

- A. Network Provider shall remove and relocate its network nodes and node support

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poles at its own expense to an alternative location not later than one hundred twenty (120) days after receiving written notice that removal, relocation, and/or alteration of the network nodes and/or node support poles is necessary due to:

1. Construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any Town construction or maintenance project or other public improvement project; or
 2. Maintenance, upgrade, expansion, replacement, removal or relocation of the Town's pole or structure upon which Network Provider's network nodes are attached; or
 3. The network node or node support pole, or portion thereof, is adversely affecting proper operation of traffic signals, streetlights or other Town property;
 4. Closure of a street or sale of Town property; or
 5. Projects and programs undertaken to protect or preserve the public health or safety; or
 6. Activities undertaken to eliminate a public nuisance; or
 7. Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its network nodes or node support poles; or Duty otherwise arising from applicable law.
- B. Network Provider's duty to remove and relocate its network nodes and node support poles at its expense is not contingent on the availability of an alternative location acceptable for relocation. Town will make reasonable efforts to provide an alternative location within the Public Right-of-Way for relocation, but regardless of the availability of an alternative site acceptable to Network Provider, Network provider shall comply with the notice to remove its network nodes and node support poles as instructed.
- C. The Town may remove the network node and/or node support pole if Network Provider does not remove such within one hundred twenty (120) days. In such case, Network Provider shall reimburse Town for the Town's actual cost of removal of its network nodes and node support poles within 30 days of receiving the invoice from the Town.

6.3 Removal or Relocation by Network Provider

- A. If the Network Provider removes or relocates at its own discretion, it shall notify the Town in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its network nodes and node support poles prior to relocation or removal.

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- B. The Town shall not issue any refunds for any amounts paid by Network Provider for network nodes and node support poles that have been removed.

6.4 Restoration

Network Provider shall repair any damage to the Public Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable location, including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the Town.

6.5 Network Provider Responsibility

Network Provider shall be responsible and liable for the acts and omissions of Network Provider's employees, temporary employees, officers, directors, consultants, agents, affiliates, subsidiaries, sub lessees, and subcontractors in connection with the performance of activities within the Public Right-of-Way, as if such acts or omissions were Network Provider's acts or omissions.

(Continued on the following page)

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VII. Wireless Services Location Map

The Wireless Services Location Map is shown below and may be amended in accordance with Chapter 70 of the Code of Ordinances.

