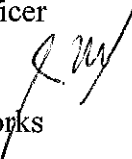




Howard County
Internal Memorandum

Subject: Council Bill No. __-2017 for Title 18.206A Public Works Rights-of-Way

To: Lonnie R. Robbins
Chief Administrative Officer

From: James M. Irvin, Director 
Department of Public Works

Date: March 22, 2017

Providers of mobile phone services and facilities are asking jurisdictions around the country to permit them to install antennas and new structures in rights-of-way. They argue that these facilities are needed to provide high speed data services to the public, and often assert a legal right to place facilities in the rights-of-way. Under this ordinance, the County will provide a way for companies to use the rights-of-way in a non-intrusive manner by placing certain wireless facilities on or in street light poles owned by the County.

The bill requires a permit for the operation, installation, maintenance and removal of certain wireless facilities on a public street light. Pursuant to the legislation, companies that provide wireless facilities or services will enter into an agreement with the County for the placement of the facility. The agreement will include fair compensation for the use of the street light, and can include specific design requirements. Nothing in the bill requires the County to issue a permit to anyone unless the proposed facility is one that is acceptable to the County, and that is safe.

The bill does not prevent companies from installing similar wireless facilities elsewhere in the rights-of-way, but it does make it clear that anyone who wishes to install wireless facilities in the rights-of-way similar to those that are permitted on street lights must obtain the permission of the Director of Public Works.

This bill is focused on street lights and is not intended to address all issues associated with placement of wireless equipment in light of changes in technology and federal regulation. This bill focuses solely on equipment used at least in part to communicate with mobile devices. However, by making street lights available, placement elsewhere may not be necessary.

If you have any questions or require any further information, please do not hesitate to contact me. Thank you for your consideration.

cc: Jennifer Sager, Legislative Coordinator
John Seefried, Chief Construction Inspection Division