

SDOT		SDOT Director's Rule 2-2009	
Applicant: CITY OF SEATTLE Seattle Department of Transportation (SDOT)	Page 1 of 10	Supersedes: SDOT DR 01-05	
	Publication: May 15, 2009	Effective: June 8, 2009	
Subject: Telecommunication Facilities in the Public Right of Way, Excluding Utility Poles and Attachments Specifications and Procedures	Code and Section Reference: SMC Chapter 15.32.300		
	Type of Rule: Code Interpretation		
	Ordinance Authority: SMC 3.06.040 and 3.12.020		
Index: Street and Sidewalk Use	Approved Date		
	(signature on file)		6/5/2009
		Grace Crunican, Director, Seattle Transportation	

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The following Telecommunication Facilities Specifications and Procedures shall govern the approval process for the installation of telecommunication facilities in the public right of way.

1.0 REFERENCES

- 1.1 SMC Title 15, Street Use Ordinance
- 1.2 SMC Chapter 23.57, Communications Regulations

2.0 DEFINITIONS

2.1 Telecommunication Facility

All structures, cabinets, electric meters and any other appurtenance installed for telecommunication purposes in the public right of way except utility poles and attachments to poles. For the purposes of reviewing allowable telecommunication facility applications, all structures, cabinets, electric meters and any other appurtenance that share a common structural foundation will be treated as one telecommunication facility. All structures, cabinets, electric meters and any other appurtenance required to operate a facility, but that do not share a common structural foundation, will be treated as separate telecommunication facility installations. The number of separate telecommunication facility installations shall be based on the number of separate structural foundations installed when the facility is fully operational.

2.2 Department

The Seattle Department of Transportation (SDOT)

2.3 Director

The Director of the Seattle Department of Transportation

2.4 SMC

Abbreviation for the Seattle Municipal Code.

3.0 PURPOSE OF RULE

To establish application and approval criteria for telecommunication facilities in the public right-of-way. These criteria are intended to comply with RCW Chapter 35.99 and promote and maintain sight distances in the right of way, mobility for pedestrians and vehicles, and uniformity of appearance of equipment housing structures, to

coordinate space with other uses of the right of way, and to minimize visual blight and clutter of the right of way.

4.0 EXEMPTIONS

4.1 Installations on Private Property

Telecommunication facility installations on private property are not subject to this Rule, but are subject to review by the Department of Planning and Development pursuant to SMC Chapter 23.57, Communications Regulations.

4.2 Installations Below Existing Grade

Telecommunications facilities installed wholly below existing surrounding grade in the public right of way are exempt from this Rule, but are subject to SMC Chapter 15.32 and other Department utility permit requirements.

4.3 Pole-Mounted and Public Facilities

Pole-mounted and street light mounted facilities on publicly-owned street light poles and utility poles are not subject to this Rule but are subject to all other applicable requirements of law.

5.0 GENERAL RESTRICTIONS

5.1 Below Grade Requirement

All telecommunication facilities shall be installed below surrounding grade except in industrial or Commercial 1 or Commercial 2 zoned areas. All telecommunication facilities in Historical Districts or Underground Ordinance Areas shall be located below grade regardless of zoning.

5.2 Above Ground Locations

Telecommunication facilities in industrial zoned or commercial areas or those granted a hardship waiver by the Director may be located at or above surrounding grade in the public right of way, unless the facility impacts a view of a structure, object or site that is a designated landmark.

6.0 PERMIT APPLICATION DEPOSITS AND FEES

6.1 Deposit

An applicant shall make a deposit in the amount of \$2,000 per telecommunication facility installation upon application for a permit. Department staff shall create a work order and credit the deposit amount to the Work Order. If charges by Department staff exceed the deposit amount, the permit applicant shall be required to deposit additional funds to continue permit processing.

6.2 Hardship Waiver Deposit

An additional \$1,000 deposit shall be submitted along with each application for a hardship waiver to cover the additional time required to review the hardship waiver request.

6.3 Work Order Charges

Department staff time used to process permit applications shall be charged to the facility applicant's Work Order, including but not limited to:

- Review and inspection,
- Hardship waiver requests,
- Telecommunication facility mapping, and
- Public information mailings done by the department.

7.0 **PERMIT APPLICATION REQUIREMENTS: ALL FACILITIES**

7.1 One Application per Proposed Telecommunication Facility

An applicant may apply for one telecommunication facility installation permit per application. For permit requests deemed accurate and complete, the Department shall process the application within 30 days of submission, unless the applicant consents in writing to a longer time period. The review period may be extended if the permit application includes a hardship waiver request, as described in this Rule. The request for a telecommunication facility installation permit shall be deemed complete upon submission of the following:

7.1.1 Plans, Drawings, Photographs and Specifications -

- ❑ Site and/or Landscaping Plan to scale, including elevations;
- ❑ Location of all existing utilities and facilities;
- ❑ Current photographs showing the location of the proposed telecommunication facility;
- ❑ Artistic renderings showing the installed telecommunication facility with appurtenances including power meter boxes and surrounding landscaping elements;
- ❑ Specifications and dimensions pertaining to the identification of:
 - ❑ Structures, cabinets, electric meters or any other appurtenance proposed to be installed above the existing surrounding grade;
 - ❑ Any underground conduits or wiring to be installed in conjunction with the proposed facility;
 - ❑ Existing street improvements;
 - ❑ Telecommunication Facility alignment in the planting strip, proximity to buildings, view corridors;
 - ❑ Description of potential noise levels originating from the telecommunication facility in decibels;
 - ❑ All other details necessary to determine compliance with the functional and public safety requirements of the TFSP.

7.1.2 Mailing address labels

Electronic or hard copy mailing address labels of:

- All properties located within the 100' radius from the center of proposed telecommunication facility of the proposed telecommunication facility, and
- Those persons or agencies on a list, provided by the Director, who have made a written request to receive notice of telecommunication facility applications.

See Section 11.0 for applicant mailing requirements.

7.1.3 Zoning Map

A map showing the zoning designations on the lots in the immediate area and the number of existing telecommunication facilities in the city block in which the telecommunication facility is proposed.

7.1.4 Owner Contact Information

The name and address of the telecommunication facility owner, contact telephone numbers, the address and location of the telecommunication facility installation and any other information pertaining to the maintenance of the telecommunication facility.

8.0 **PERMIT APPLICATION REQUIREMENTS: ABOVE-GROUND FACILITIES**

All proposed telecommunication facilities to be located in industrial areas, or those facilities for which the applicant seeks a hardship waiver for an above-ground facility shall submit the following with each application:

8.1 Facility Design Approved by Department of Planning and Design (DPD)

DPD shall approve the design of all proposed above ground facilities. The approved design shall include all treatment details, cabinet dimensions and the cubic volume of the telecommunication facility.

8.2 Graffiti Mitigation Plan

A completed Graffiti Mitigation Plan as described in Section 13.4.

9.0 **SITE REVIEW REQUIREMENT**

Department staff shall conduct a site review of all proposed telecommunication facility installations.

10.0 JOINT-EXCAVATION REVIEW REQUIREMENT

All telecommunication facilities that require excavation for the installation of substructure components shall be subject to the following joint-excavation review process:

10.1 Joint Excavation Requirement

Where the City or the applicant becomes aware that two or more applicants are going to be doing construction in the same street or general vicinity, joint excavation may be required. This requirement will constantly be reviewed and evaluated by the Department and modified based on right of way conditions. Permits for telecommunication facility installations that qualify for joint excavation shall modify their substructure designs to accommodate the excavation alignment selected by the Department. Permits that do not qualify for joint excavation shall not be required to jointly excavate.

11.0 NOTICE OF TELECOMMUNICATION FACILITY INSTALLATION

For each proposed telecommunication facility installation, the applicant shall notify all persons identified in Section 7.1.2 via United States Postal Service Return Receipt or other return receipt mail of the proposed telecommunication facility. The notice shall include:

- A statement that a Street Use permit is required for this proposed telecommunication facility installation;
- Specific information regarding the telecommunication facility location and cabinet design;
- An applicant's contact person, phone number, mailing address and email address;
- SDOT Street Use Section contact information provided by the Department for the public to obtain additional information about the permitting process or comment on the proposed application;

12.0 DEPARTMENT APPROVAL

Department staff will approve the telecommunication facility installation permit if all the permit application requirements of Section 7.0 of this Rule have been met and the installation is in compliance with all other provisions of this Rule and SMC Title 15.

12.1 Notice of Department Decision

The applicant shall notify all persons and organizations identified in Section 7.1.2 of any permit approved by the Department by registered mail within 20 days of the permit approval, and provide the Department with copies of registered mail receipts. Notice shall include a description of the permit and any conditions included therein as well as a tentative construction schedule. Notice to multi-unit buildings shall be made to the building manager or condominium association.

If a permit is denied by the Department, the Department shall notify all persons and organization identified in Section 7.1.2 within 20 days of the permit denial at the applicant's expense.

12.2 Director's Review

Pursuant to SMC 15.04.112, review by the Director of the approval or denial of a telecommunication facility permit application may be obtained by a person aggrieved by the decision. The Director's decision shall be the final decision of the City.

13.0 STANDARDS FOR ABOVE-GROUND FACILITIES

13.1 Maximum Telecommunication Facility Cubic Volume

The maximum volume of a telecommunication facility is thirty-six (36) cubic feet, including the volume of the facility's components, as measured from the facility's common foundation or platform. The maximum telecommunication facility height shall be five and one-half (5.5) feet. The minimum telecommunication facility height shall be two and one-half (2.5) feet.

13.2 Planting Strip Alignment

The telecommunication facility should be placed in proximity to and in line with existing power poles, street light fixtures, street signs and other structures within the planting strip to create a balanced and unobstructed alignment. The telecommunication facility shall not be placed in such an alignment if the installation blocks the line of sight for vehicles exiting adjacent alleys, streets or driveways.

13.3 Landscaping

Landscaping shall be installed or restored in all areas consistent with the existing landscape surrounding the telecommunication facility site. All new landscaping shall be installed and maintained for the purpose of screening or camouflaging the telecommunication facility, and to create an aesthetically pleasing appearance. All landscaping shall be installed and maintained to be in conformance with pedestrian passage Sections 13.9.1 and 13.9.2.

13.4 Exterior Facility Treatment and Graffiti Mitigation

The exterior of the telecommunication facility shall resist graffiti or be painted with anti-graffiti paint and be maintained in a "like-new" condition. The applicant shall submit a Graffiti Mitigation Plan ("Plan") detailing how the telecommunication facility owner will maintain the telecommunication facility free from graffiti and other defacements (e.g. stickers, posters). The Plan shall commit the owner to telecommunication facility inspection at a minimum of four (4) times each year and include identification of the resources dedicated to mitigating graffiti. Additionally, the Plan shall provide the name, mailing address, phone number and email address of a single point of contact responsible to resolve graffiti issues should they occur. The Plan shall clearly state that the owner will restore the telecommunication facility surfaces to their original exterior appearance whenever the appearance has substantially changed. Utility agencies may elect to submit one master graffiti mitigation plan for all above ground

telecommunication facilities. If the agency elects to submit one plan, this plan must be jointly reviewed by the agency and SDOT and updated annually.

13.5 Geographic Location Identifier (Geocode)

Owners of telecommunication facilities will register all telecommunication facilities by submitting to the Department a geographic location identifier (geocode) for all telecommunication facilities within the City of Seattle.

13.6 Facility Identifiers

For the purpose of active monitoring by City personnel, residents, and other telecommunications companies, the following information shall be clearly indicated on all telecommunication facilities:

- A toll-free telephone number for the telecommunication facility owner.
- The telecommunication facility registration number issued by the Department.
- The facility's geocode identifier.

13.7 Facility Foundations

Concrete pads shall be a color and treatment that is consistent with adjacent surrounding sidewalks. Concrete pads installed in full-width sidewalks shall be constructed per City of Seattle approved plan and shall join to the nearest score line of the existing concrete pavement. For installations where there is no existing sidewalk, concrete pads shall be a color that is consistent with existing surrounding earth.

13.8 Maximum Number of Telecommunication Facilities on a Block

Facilities that are exempt from this Rule shall not be counted in the number of telecommunication facility installations per city block.

For purposes of this section, a city block is defined as the portion of a street right of way located between two consecutive street crossings, including all public right of way on both sides of the street. The maximum number of telecommunication facility installations per city block shall be as follows:

13.8.1 Maximum of Three Telecommunication Facilities per Standard City Block

For city blocks in which the two consecutive intersections are 600 feet or less apart, the maximum number of telecommunication facilities shall be three per block.

13.8.2 Maximum Number of Telecommunication Facilities for Longer City Blocks

For city blocks in which the two consecutive intersections are greater than 600 feet apart, the maximum is three telecommunication facilities, plus a maximum of one (1) additional telecommunication facility for every additional 250 feet of consecutive intersection separation.

13.9 Public Safety Requirements

13.9.1 Pedestrian Passage: Existing Sidewalks

A minimum width of five feet of an existing sidewalk shall be maintained for pedestrian and wheelchair passage when placing a telecommunication facility on the planting strip or the sidewalk in public right of way. If an existing sidewalk is narrowed to less than five feet by placement of the facility, additional concrete sidewalk shall be constructed between the edge of the facility structure or its foundation and the abutting private property line to provide a minimum five feet wide paved sidewalk .

13.9.2 Pedestrian Passage: No Existing Sidewalks

Where telecommunication facilities are installed in areas with no existing sidewalk, the telecommunication facility shall be placed in the planting strip, if any, and so as to leave an unobstructed pedestrian passage a minimum of four feet wide, as follows:

13.9.2.1 Without Curb Face

When there is no curb face, a minimum four feet unobstructed distance between the edge of the facility structure or foundation and the edge of the roadway pavement, or

13.9.2.2 With Curb Face

When there is a curb face, a minimum of three and one-half feet between the edge of the facility structure or foundation and the curb face, or

13.9.2.3 Property Line Clearance

A minimum of four feet unobstructed distance between the edge of facility structure or foundation and the private property line.

13.9.3 Vehicular Line of Sight and Sight Distance

Telecommunication facilities over 36 inches in height shall not be located in the "sight triangle," defined as the area where streets, alleys and both sides of a driveway which must be clear of any obstruction to permit optimal visibility from the intersecting street, alley or driveway.

13.9.4 No Obstruction of Access

Placement of a telecommunication facility shall not block or impair vehicular, pedestrian or wheelchair access to or from any building or public stairways.

14.0 **HARDSHIP WAIVER**

The provisions of Section 5.1 requiring installation of telecommunication facilities below grade may only be waived if the Director finds that severe hardship and technical unfeasibility would result from the imposition of these requirements. Hardship occurs when all reasonable alternatives to placing the telecommunication facility below surrounding grade have been exhausted. The Director shall process an application for a waiver within 30 days of its submission, unless the applicant consents in writing to a longer time period.

14.1 Review of Hardship Waiver Applications

An applicant for a hardship waiver shall submit the following:

Approval of Property Owners

A document indicating approval of the proposed telecommunication facility installation, signed by the abutting property owner(s) and at least 60% of the neighboring lots as defined by a 100' radius from the center of proposed telecommunication facility .

Investigation of Alternatives

A written report describing the proposals made to all private property owners and the reasons for not selecting any of these alternatives. In no instance shall less than two private property alternatives for equipment location be documented to satisfy this requirement. The report shall also demonstrate that there is no feasible alternative to above-ground placement.

Service Area Map

A map prepared showing the service area for the proposed telecommunication facility, demonstrating that no less than 50% of the telecommunication facility's service area shall be specifically intended to service customers in the restricted area.

Department's Recommendation to the Director

The Department's recommendation to the Director shall state that the applicant has completed all other requirements of this Rule. The department shall include copies of any submitted applications or reports, an analysis of the application materials, and a recommendation by the Department whether to grant or deny the hardship waiver.