



Legislation Details (With Text)

File #: 17-0487 **Version:** 1 **Name:** Presentation - Regulation of Wireless Infrastructure
Type: Agenda Item **Status:** New Business
File created: 8/1/2017 **In control:** Development Services
On agenda: 8/8/2017 **Final action:**
Title: Presentation by staff and possible direction by City Council regarding the regulation of wireless infrastructure in the public right-of-way pursuant to recently adopted Senate Bill 1004 (Director of Planning and Development)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Data Sheet

Date	Ver.	Action By	Action	Result
8/8/2017	1	City Council		

Presentation by staff and possible direction by City Council regarding the regulation of wireless infrastructure in the public right-of-way pursuant to recently adopted Senate Bill 1004 (Director of Planning and Development)

Timeline

- **February 22, 2017** - Senate Bill (SB) 1004 filed as part of 85th Texas legislative session; sponsors are Senators Hancock, Bettencourt, and Geren.
- **April 4, 2017** - SB 1004 passed by Senate; sent to House for consideration.
- **May 18, 2017** - House version of SB 1004 passed.
- **June 9, 2017** - SB 1004 signed by Governor Abbot; effective September 1, 2017.
- **July 31, 2017** - Presentation by staff to Planning and Zoning Commission on effects of SB 1004.
- **August 8, 2017** - Presentation by staff to City Council on effects of SB 1004.
- **August 14, 2017** - Upcoming regular meeting of P&Z; staff proposes Board conduct public hearing and for Board to consider recommending related City code amendments to City Council.
- **August 22, 2017** - Upcoming regular meeting of City Council; staff proposes City Council conduct public hearing and consider related City code amendments on first and final reading.
- **September 1, 2017** - Effective date of SB 1004.

Summary

SB 1004 significantly restricts municipalities from (1) regulating the construction, development, and maintenance of network structures and wireless facilities (or “nodes”) in the public right-of-way, and (2) prohibits municipalities from entering into franchise agreements with these companies for the use of public right-of-way (ROW), effectively creating statutory caps on fees charged for installing these nodes within the ROW.

The City Attorney’s office will present information at the meeting regarding the specifics of the Bill, its impact on the City, and the need to update City code in advance of the effective date.

CONTRACT ORIGINATION:

Planning and Development Department

FUNDING

{ x } NOT APPLICABLE