CITY OF LAKE FOREST PARK
CITY COUNCIL
AGENDA COVER SHEET

Meeting Date	7/14/2022
Originating Department	Public Works
Contact Person	Jeff Perrigo, Public Works Director Kim Adams Pratt, City Attorney
Title	Ordinance 1244 granting MCImetro Access Transmission Services Corporation a Master Use Permit in the public right-of-way of Lake Forest Park for a telecommunications system

Legislative History

- First Presentation: June 23, 2022
- Second Presentation: July 14, 2022

Attachments:

1. Ordinance No. 1244 granting MCImetro Access Transmission Services Corporation a Master Use Permit

2. Exhibit A, Master Use Permit

Executive Summary

This is the City Council's second touch of a proposed ordinance granting MCImetro Access Transmission Services Corporation ("MCImetro") a five-year master use permit. The City Council has previously approved Ordinance No. 1017 and Ordinance 1131 granting MCImetro successive five-year nonexclusive Master Use Permits allowing the company to operate telecommunications facilities within the City's right-of-way. The last Master Use Permit granted to MCImetro expired May 21, 2022, and MCImetro has applied for a successor agreement to allow it to continue operating telecommunications facilities within the City's right-of-way. Approval of this Ordinance would grant MCImetro a new, nonexclusive Master Use Permit allowing continued use of the City's right-of-way for five years under the terms and conditions set forth in the Master Use Permit.

Background

The federal Telecommunications Act of 1996 was adopted to encourage the development of high technology communications systems through increased competition among companies. The Act provides that no local jurisdiction may prohibit any entity from providing telecommunications services, but may manage its public rights-of-way in a competitively neutral manner and require compensation from telecommunications providers for their use of right-of-way, provided that such compensation is fair, reasonable, nondiscriminatory, competitively neutral and publicly disclosed.

In Washington, cities manage their right-of-way with respect to telecommunications providers pursuant to Chapter 35.99 RCW. This statute allows cities to issue a telecommunications "master permit," which is defined as "the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating [telecommunications] facilities." The City has adopted procedures and criteria for the issuance of telecommunications master permits in Chapter 5.26 of the Lake Forest Park Municipal Code ("LFPMC"). After the Council grants a master permit, when a permittee wishes to work in the right-of-way it must apply for a right-of-way permit. It is at this time when the public works and planning departments review the specific plans for the project including the proposed route, the traffic safety plans, and the determination about whether the applicant needs additional permits such as sensitive area permits.

Provisions in the proposed MCImetro Master Use Permit include:

- Expiration in 5 (five) years;
- Non-exclusivity;
- Location approval and oversight by the City Administrator and Public Works Director; and
- Compliance with Chapter 19.122 RCW, Washington State's "Underground Utilities" statute, where applicable.

Fiscal & Policy Implications
Collection of permit fees.

Alternatives

Options	***Results***
• Approve the Ordinance.	MCImetro will retain existing telecommunications facilities within the City's right-of-way and may expand such facilities after obtaining right of way permits from the City.
• Do not approve the Ordinance	The City would continue working with MCImetro until terms acceptable to both the company and the City Council could be negotiated.

Staff Recommendation

Approve and adopt Ordinance 1244 granting MCImetro Access Transmission Services Corporation, a five-year Master Use Permit in the public right-of-way of the City for a telecommunications system.