

## **City of Rollingwood – What can go in the ROW?**

- a. Definitions: These definitions are generally applied throughout the State of Texas. These are not from the City of Rollingwood Code of Ordinances.
  1. **“Facilities”** includes, but is not limited to, the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, and appurtenances of a public service provider located within the public right-of-way and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.
  2. **“Public Right-Of-Way”** means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or public utility easement in which the municipality has an interest. The term does not include:
    - i. A private easement; or
    - ii. The airwaves above a public right of way regarding wireless telecommunications; or
    - iii. A park road that is not formally dedicated or otherwise designated by the city as a public right of way; or
    - iv. **A non-public street**
  3. **“Utility Structure”** means any above or below ground manhole, hand hole, vault, cabinet, or any other appurtenance other than a pole or device attached to a pole which is owned or used by a public service provider. The phrase does not include devices or structures used to control or direct pedestrian or vehicular traffic on an adjacent roadway.
  4. **“A Non-public Street” means:**
    - i. Any area, parcel, or strip of land to which there is no other access from a public street than over the area, parcel, or strip of land in question and that:
      1. Is not a public street; and
      2. Provides access from any public street in the city of any building or buildings designed or appropriate for occupancy by:
        - a. Two or more dwelling units; or
        - b. Two or more business, industrial, or commercial establishments; or

- c. One or more industrial, commercial, or business establishments and two or more dwelling units; or
- ii. Any area, parcel, or strip of land that:
  - 1. Provides a connection between and two public streets; and
  - 2. Is used by the public for the purposed of travelling from one public street to the other: or
- iii. A private drive, a private street, or a permanent access easement.
- iv. A non-public street does not include:
  - 1. Any driveway that provides access to the outbuildings to any principal building.
  - 2. An area appurtenant to an establishment designed to be used as parking space.
  - 3. A shared driveway.

Sec. 28-20: Requirements of Construction Permit for Construction in City Rights-of-Way

- a. Detail of what the applicant proposes to install, such as **pipe** size, number of **inter ducts, valves, etc.**
- b. Drawings of any **bores, trenches, handholes, manholes, switch gear, transformers, pedestals, etc.**, including depth located in the public right-of-way at the time construction was completed.
- c. **Handhole or manhole** or types of manholes or handholes the applicant plans to use or access.

Sec. 28-23: Construction Standards

- a. Placement of all **aboveground facilities** in the public right-of-way or public utility easements must be approved in advance by the city. Landscaping, berms, and fencing must be approved in advance by the city. For purposes of this subsection, the term "**aboveground facilities**" means **equipment or structures that protrude above the natural grade or surface of the land, without regard to the existence of equipment or structural components below the natural grade or the surface of the land.**

Sec. 28-25: Alteration of facilities due to public works projects

- b. Whenever, by reason of widening or straightening of streets, water or sewer line projects, or any other public works projects (e.g., **install or improve storm drains, water lines, sewer lines, etc.**), it is deemed necessary by the city council to remove, alter, change, adapt, or conform the underground or overhead facilities of a right-of-way user

to another part of the right-of-way, such alterations must be made by the owner of the facilities at the owner's expense within the time limits set by the city administrator and city engineer.

Division 3, Sec. 28-99: Network Nodes in Public Right-of-Way

- a. The purpose of this division is to establish policies and procedures for the placement of **node support poles** in the right-of-way and **network nodes** in the public right-of-way and on **service poles** within the city's jurisdiction.