

Discussion of Proposed Small Cell Utility Pole on Alabama Road

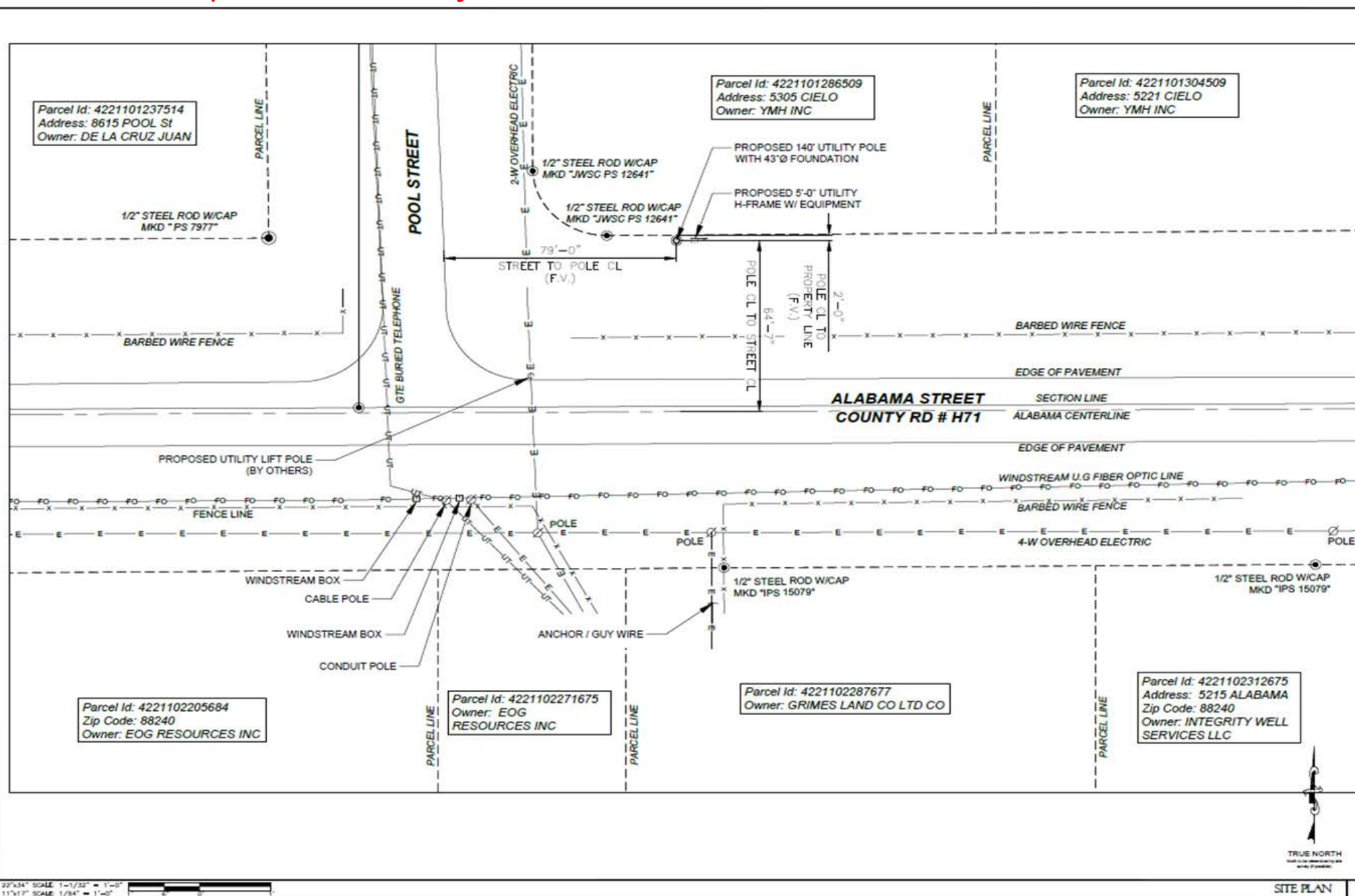
In July 2021, Flex Deployment Solutions on behalf of Windstream reached out to Lea County regarding zoning and permitting in Lea County, largely centering around zoning questions related to maximum height of installations around airports.

In October 2021, staff of Flex Deployment Solutions contacted Lea County with ROW jurisdiction questions related to a proposed installation near the intersection of Alabama and Pool Streets. The initial location that was discussed was not within the permitting jurisdiction of Lea County to consider a permit.

Since that time, Flex Deployment Solutions has selected a location that is within Lea County Right-of-Way and within Lea County permitting jurisdiction. Flex Deployment Solutions has submitted design plans for a 140 feet tall "utility pole" and permit application for the installation of a small cell site on the northeast corner of Alabama and Pool Streets.

In 2018, New Mexico passed a state statute that allows the installation of small cell tower in public right-of-ways.

The proposed utility installation is not currently covered by the Lea County Ordinance 86 - Establishing Rules and Procedures Governing the Use of County Right-of-Way.



DRAWN BY:	FL
CHECKED BY:	W

[illegible]

NOT FOR CONSTRUCTION UNLESS
LABELLED AS CONSTRUCTION SET

207787
312 W. ALABAMA ST.
HOBBBS, NM 88240

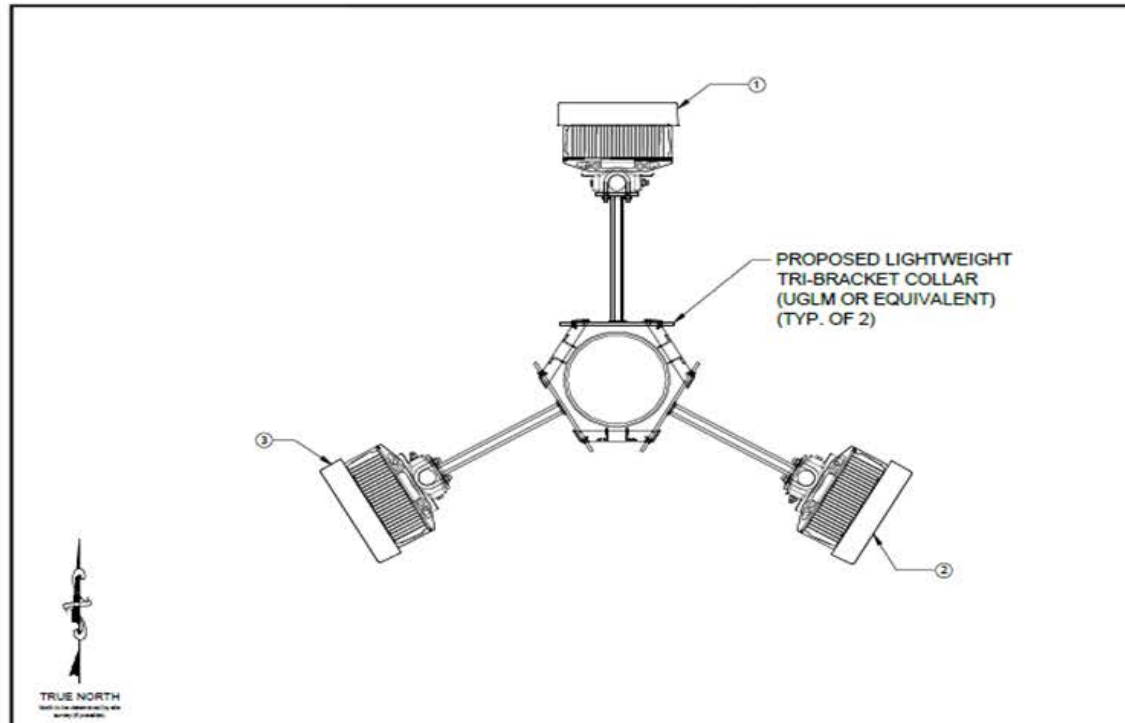
IT IS A VIOLATION OF THE LAW FOR AN
PERSON, UNLESS THEY ARE ACTING
UNDER THE DIRECTION OF A LICENSE
PROFESSIONAL ENGINEER, TO ALTER THE
DOCUMENT

SHEET TITLE
SITE PLAN

SHEET NUMBER

C-101

Discussion of Proposed Small Cell Utility Pole on Alabama Road

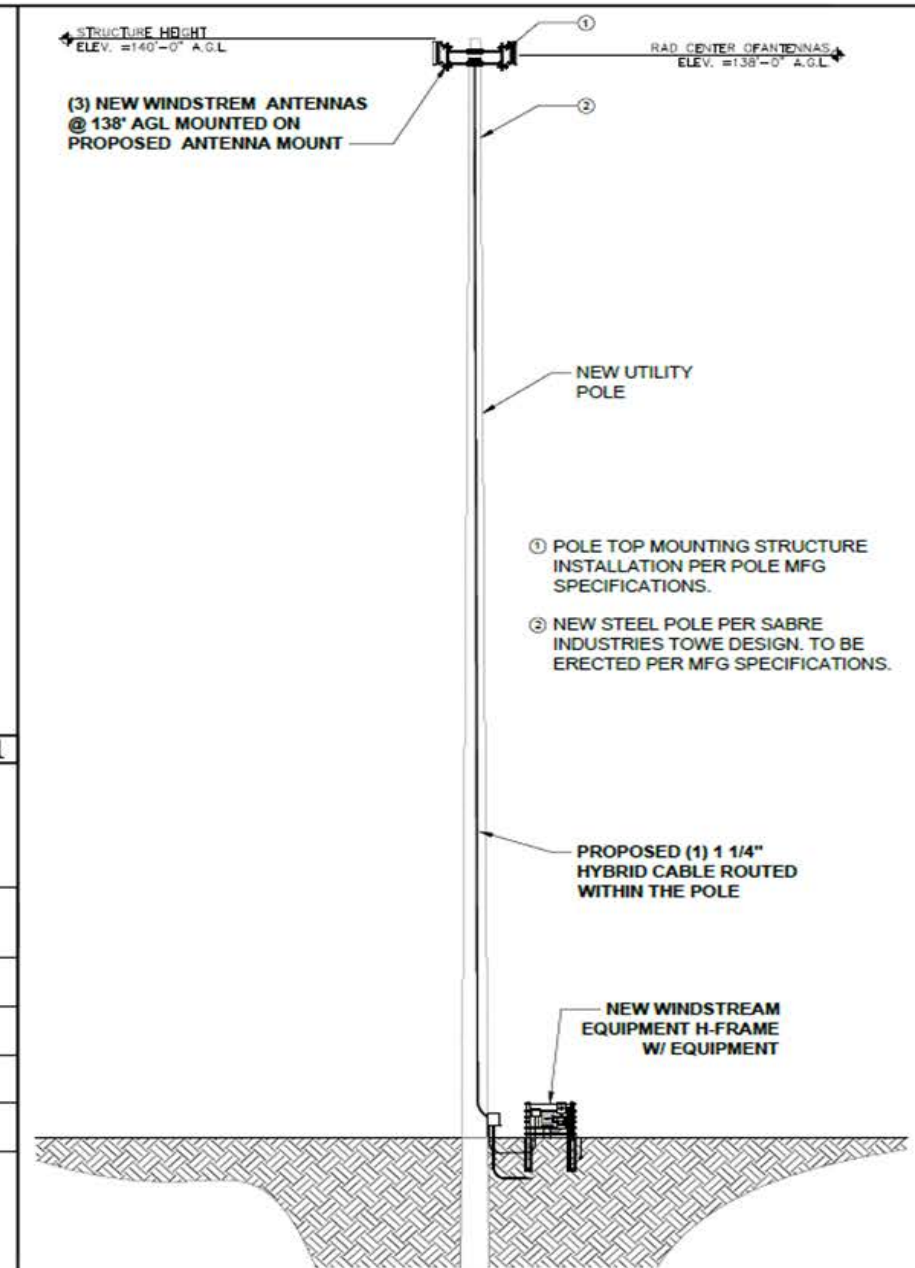


NEW ANTENNA PLAN 1

ANTENNA SUMMARY

NO	ANTENNA MANUFACTURER	ANTENNA MODEL	AZIMUTH	RAD CENTER
1	ERICSSON	6488	0°	138'-0"
2	ERICSSON	6488	120°	138'-0"
3	ERICSSON	6488	240°	138'-0"

ANTENNA SUMMARY 2



NEW ELEVATION 3



DRAWN BY: FLEX
CHECKED BY: WW

REVISIONS				
NO	DATE	DESCRIPTION	INITIAL	DATE
1	11/16/22	ANTENNA ADDITION	WW	

NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

207787
5312 W. ALABAMA ST.
HOBBBS, NM 88240

IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET TITLE
ANTENNA LAYOUT PLANS & TOWER ELEVATIONS

SHEET NUMBER
C-201



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, February 17, 2022

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Executive Coordinator sstout@leacounty.net by: **Monday, February 7, 2022**

County Manager Approval mgallagher@leacounty.net required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 02/12/2022	SUBMITTED BY Name, Title, Dept: Corey Needham, ACM
SUBJECT: Windstream Small Cell Site in Lea County Right of Way	ATTACHMENT(S): Ch. 63, art. 91 NMSA 1978, Wireless Consumer Advanced Infrastructure Investment Act., Construction Plans, location map
NO. OF ORIGINALS FOR SIGNATURE: 0	ACTION REQUESTED: Discussion Item
BUDGET LINE ITEM NUMBER: NA	FISCAL BUDGET YEAR: NA
STRATEGIC PLAN Implementation of 5 Year Strategic Plan: NA	
SUMMARY: <p>In July 2021, Flex Deployment Solutions on behalf of Windstream reached out to Lea County regarding zoning and permitting in Lea County, largely centering around zoning questions related to maximum height of installations around airports.</p> <p>In October 2021, staff of Flex Deployment Solutions contacted Lea County with ROW jurisdiction questions related to a proposed installation near the intersection of Alabama and Pool Streets. The initial location that was discussed was not within the permitting jurisdiction of Lea County to consider a permit.</p> <p>Since that time, Flex Deployment Solutions has selected a location that is within Lea County Right-of-Way and within Lea County permitting jurisdiction. Flex Deployment Solutions has submitted design plans for a 140 feet tall "utility pole" and permit application for the installation of a small cell site on the northeast corner of Alabama and Pool Streets.</p>	
Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____ <small>If checked, how many:</small>	See Additional Summary Attached <input type="checkbox"/>
SUBMITTER'S RECOMMENDATION(S):	Submitter's Signature Department Director, Etc.
FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda

Item No. 0307

RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN

Approved: _____	Denied: _____	Other: <u>Discussion</u>
Resolution No. _____	Policy No. _____	Ordinance No. _____
Continued To: _____	Referred To: _____	Comments: _____

Summary Form Continued...

In 2018, New Mexico passed a state statute that allows the installation of small cell tower in public right-of-ways.

The proposed utility installation is not currently covered by the Lea County Ordinance 86 - Establishing Rules and Procedures Governing the Use of County Right-of-Way.



APPLICATION FOR PERMIT TO
INSTALL UTILITY FACILITIES WITHIN
PUBLIC RIGHT OF WAY

() Renewal Permit

() Original Permit

Permit # _____

1) The **APPLICANT**:

Name of Company: FLEX Deployment Solutions

Contact Person: Blake Lowrance

Address: 11124 Kingston Pike, Suite 119-234, Knoxville, TN 37934

_____ Phone

Number: 704.904.4072

Email Address of Contact Person: blake.lowrance@flexdeploys.com

Herewith makes application to install following utility facility:

Utility Pole

(Water, sewer, oil, gas, steam, electric, telephone or other)

(Also give voltage, pressure, type of liquid if other than water or sewage)

In the following location:

West Alabama St Section _____ Township Hobbs Range _____

Road Name

2) For the purposes of this application "Within" shall be construed as meaning "on, over, across, under, above and along."

A. Road Superintendent" shall be construed as meaning the County Road Superintendent or his representative, hereinafter referred to as road superintendent.

B. "County" shall be construed as meaning: the "County of Lea, all governmental subdivisions, boards, commissions, agencies, officers and employees thereof."

C. Applicant" shall be construed as meaning: the "Individual, firm, corporation, association, governmental subdivision, or other organizations making this application, or the successors of any of the above."



D. "Board" shall mean Lea County Board of Commissioners.

E. "Utility facility" shall be construed as meaning, but not limited to, any publicly, privately, cooperatively, municipally or governmentally owned facility used for carriage, distribution or transmission of water, gas or electricity, either for power, or communications, oil and products carried by means of pipelines, conduits, wires, culverts, ditches or conveyors or other methods.

- 3) This application is for: Utility Pole installation

A "Crossing installation" is one where the smaller angle of intersection between the utility line and the centerline of the highway is greater than 45°; where the angle of intersection is less than 45° the installation will be deemed parallel.

- 4) Applicant proposes to install parallel utility facility 79' feet inside the Right of Way facility more than two (2) feet or sub-surface utility facility more than six (6) feet inside right of way line, give reasons for doing so: (Use additional page if needed.)
To be as far back from the main road as possible.

- 5) The top of all sub-surface crossing installations of utility facilities must be at least thirty-six (36) inches below lowest point of the highway cross-section along the alignment of the utility installation. The top of all parallel utility installations must be at least thirty-six (36) inches below grade along the alignment of the utility installation. If applicant proposes installation at lesser depth, give reasons: (Use additional page if needed.)

- 6) Applicant proposes to cross right of way which has finished permanent type surface pavement-asphalt, concrete, or similar paving, by **boring** or six (6) inch minimum pavement **cut**.

**Pavement cuts will not be permitted on any asphalt, concrete or chip sealed roadway.
Roadway cuts may be permitted on caliche roadway.**

Specify boring

- 7) There is attached hereto a diagrammatic or dimensioned drawing showing the location of proposed installation, width of right of way, height or depth of utility facility above or below grade, survey ties and other pertinent features. If application is for a parallel installation, the general status of land abutting right of way should be indicated as to buildup, irrigated, grazing, residential, and commercial and setbacks, etc. Installations on bridges or other highway structures require special detail drawings.

- 8) Applicant desires this permit to be in effect for 25 years. (see below)

Permits will not be issued for a period longer than 10 years except for public utilities which are for a period up to 25 years.

Permit must be renewed by Applicant upon expiration and the burden of timely renewal is on the Applicant.

- 9) The signing of the application by the director and return to Applicant shall validate this application as a permit.

- 10) All overhead installations, including parallel facilities, shall comply with the current National Electric Safety Code, and crossings shall be installed so

that the lowest member or portion of facility will be at least eighteen (18) feet above main traveled portion of highway.

- 11) All permits are granted subject to the following express conditions and by signing this application the Applicant signifies that Applicant has read, understand and will abide these conditions.
- 12) That no permit granted hereunder shall be construed as granting any easement or property right.
- 13) That the construction work to be undertaken pursuant to the permit herein applied for will be commenced no later than 15 of June, 2022 and completed no later than 15 of September, 2022.

(Cannot be longer than 60 days between issuance of permit and actual construction).

Notice of the actual commencement of construction shall be given to Lea County Road Department at (575) 391-2940 not less than three (3) days prior to commencement of construction unless waived by notation to this effect on the application; the Lea County Road Department shall make a final inspection to determine compliance with all conditions.

- 14) That installation of utility facilities within the right of way shall be in strict conformity with this application and drawings as the same may be modified by the Road Superintendent and no departure therefrom may be made without the written consent of the Road Superintendent and all construction shall be subject to the inspection and approval of the Road Superintendent. All facilities shall be so placed that they will not interfere with or endanger any existing facility already in the right of way or any highway structure.
- 15) That all construction work undertaken pursuant to this application will be so carried on that danger, inconvenience and delay to the traveling public will be held to a minimum and where interference with traffic is unavoidable, traffic control and safety precautions shall be in accordance with any safety code adopted by the Board.
- 16) That the Applicant will, except as otherwise ordered by the Road Superintendent, restore the highway right of way and all bridges or other structures thereon or adjacent thereto which have been altered or affected by the construction work performed hereunder, to the former condition or better so as not to interfere with the reasonable use of the highway right of way, bridge, or other structures.
- 17) That if any damage is caused to the highway right of way or to any bridge, structure or improvement thereon or adjacent thereto by reason of the installation, maintenance, alteration or removal of the facilities or other appurtenances of the Applicant, the Applicant will reimburse Board the full amount thereof promptly upon demand by the Road Superintendent; provided, however, that the obligations imposed under this paragraph shall not apply in the event the damage resulted from causes beyond the control of the Applicant.
- 18) **Utility owners shall carry insurance in amounts not less than those below:**
Insurance coverage in the amount of \$1,000,000.00 for each occurrence:
\$1,000,000.00 aggregate for Bodily Injury Liability and \$500,000.00 each occurrence;
\$1,000,000.00 aggregate for Property Damage Liability,
Written on a comprehensive General Liability Form or Commercial General Liability Form
which must include the following:
 - (a) Coverage for liability arising out of the operation of independent contractors;
 - (b) Completed operations Coverage;
 - (c) Attachment of the Broad Form Comprehensive General Liability Endorsement.
 - (d) Lea County as additional named insured.

If a utility is self-insured, the utility shall provide an Owner's Protective Liability Insurance Policy, in favor of Lea County, in the amounts below specified. **Lea County as additional named insured:** The utility, its contractor or subcontractor shall have the Lea County added as an additional named insured on the Comprehensive General Liability Form or Commercial General Liability Form furnished by the Utility.

- 19) The utility owner must indemnify and hold harmless Lea County from loss due to any negligent act of the utility, the utility's employees, any agent acting on the utility's behalf, and anyone else engaged by the utility to work on the utility installations, maintenance or relocations of their facilities. Any contractor or subcontractor engaged by the utility to perform utility installations or relocations in conjunction with or prior to highway construction must also indemnify and hold harmless Lea County from loss due to any negligent act of the utility's contractor or subcontractor.

Nothing herein shall be construed to mean that the Applicant hereunder will indemnify and save harmless the County from any claim caused by or incident to any neglect, carelessness or breach of duty on the part of the County.

- 20) That all such utility facilities installed within the right of way shall at all times be kept in such repair so as not to damage the highway, inconvenience or endanger the traveling public and shall be kept free from advertisements, posters and the like.
- 21) That if the Applicant should at any time fail to promptly and fully perform any of the obligations imposed upon Applicant hereby, and after thirty (30) days' written notice thereof, the Board may at its option (a) cause the obligations to be fully carried out and performed and the Applicant will promptly reimburse the Board for all costs and expenses incident thereto, (b) may summarily order the removal of such utility facility and if Applicant fails to comply within a reasonable time, the Board may direct the removal of the utility facility with all costs and expenses incident to be borne by Applicant.
- 22) That if by any reason of any change in the location, construction, grade or any other matter affecting the highway upon which any utility facility is located because of changing traffic conditions or otherwise, it shall become advisable in the opinion of Lea County that said utility facility be removed, relocated or otherwise modified, the Applicant, upon written notice from Lea County shall remove, relocate or modify such utility facility without undue delay in such manner as Lea County may direct or approve, at the applicant's expense and at no cost to Lea County. Lea County makes no express or implied as to the continued existence of any highway in any particular location and expressly assumes no obligation with regard to the facility upon change, vacation or abandonment of any highway or portion thereof.
- 23) All utility facilities to be installed on public right of way under the dual jurisdiction of the County and another governmental entity shall comply with all applicable rules and regulations of such government entity property and lawfully in force and including provisions of local franchises not in conflict with the rules and regulations of the County.
- 24) Neither the making of this application or anything herein contained shall constitute a waiver on the part of the Applicant of any rights or claims had or made by Applicant with respect to the occupancy of the streets and highways under the Constitution and Laws of the State of New Mexico nor shall anything herein contained in anywise prejudice or impair any rights or claims

existing independently of this application with respect to the construction, operation and maintenance of the Applicant's utility system in the County of Lea.

- 25) This application is hereby granted subject to the following special provisions, changes or amendments:
- 26) Applicant shall notify Road Superintendent of removal or discontinuance of use of utility facility or any portion thereof.
- 27) Applicant can expect **3 to 5 working days** from time application is received by the road department before a response to the permit.
- 28) The company requesting the permit is responsible for any failures due to the cut in the future on this road.
- 29) The company requesting the permit is responsible for all traffic control.
- 30) If for any reason what so ever that the regulations for cutting a Lea County Road are not followed, your company will be requested to bore all roads from then on. It is the responsibility of the company requesting the road crossing permit to see that all regulations are followed.

EXECUTED at Flex Deployment Solutions, this 28 day of january 2022.
(Location where signed)

FLEX Deployment Solutions
Company Name

By: Blake Lowrance
Applicant Signature

Title

REVIEWED & RECOMMENDED:

Nick Marinovich, Road Superintendent

APPROVAL of this permit is hereby given this
_____ day of _____, 20 ____.

Corey Needham, Director of Public Works

- Make check payable and mail to:
 - Lea County Treasurer
 - 5915 Lovington Hwy.
 - Hobbs, NM 88240

**Right of Way Application Permit Fees
Per Lea County
Ordinance No. 86**

Above Ground Use Permits:

Non-Refundable Application Fee:	<u> X </u>	\$ 500.00	<u>\$500.00</u>
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Non-Refundable Application Renewal Fee:	_____	\$ 500.00	_____
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Initial 90-day (or portion thereof) permit: Portion Charged	_____	\$1,000.00	_____
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Second 90-day (or portion thereof) permit: Portion Charged	_____	\$2,400.00	_____
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Third 90-day (or portion thereof) permit: Portion Charged	_____	\$7,200.00	_____
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Fees and Permits Other Than Above Ground:

Application for Use of County Right-of-way:	<u> X </u>	\$ 200.00	<u>\$200.00</u>
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Usage Fees:

Trenching and uses below ground level: 12 in. x 36 in. to 24 in. x 48 in.:	<u> X </u>	\$0.15/linear foot	<u>\$12.00</u>
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Greater width and depth:	_____	\$0.20/linear foot	_____
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Placement of facilities above ground: First 90 lineal feet:	<u> X </u>	\$ 150.00/min	<u>\$150.00</u>
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More than 90 lineal feet:	_____	\$ 1.50/linear foot	_____
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Service hook-ups:

No pavement cut necessary:	<u> X </u>	\$ 100.00	<u>100.00</u>
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Pavement cut necessary:	_____	\$ 150.00	_____
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Maintenance/Repair Permit:

Excavation to exceed 250 feet: Plus Usage	_____	\$ 250.00	_____
--	-------	-----------	-------

Reinstatement of suspended permit:	_____	\$ 250.00	_____
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Appeal Right of Way Administrator Decision:	_____	\$ 100.00	_____
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Total Permit Fees Due: \$962.00

CALICHE ROAD CUTTING RULES

- 1) All caliche cut roads will be filled with flow-able back fill 6" from the top, then filled with 6" of ¾" base type caliche and compacted to a 96% compaction rate (ASTM D698).
- 2) All other existing regulations for road crossing permits will still apply.

FLOWABLE BACKFILL

Flowable Backfill is a concrete product that can be purchased at any local concrete mixing facility. This product is required by the Lea County Road Department as the only suitable product for compaction purposes pertaining to any type of road cuts made for the purpose of installing line crossings. Please look at the two different types of mixes listed below, one works well in hot weather and the other will speed drying and evaporation of the water content during winter use.

Summer

2 sack mix with 3/8 rock with 50 to 55 gallons of water per yard

Winter

3 sack mix with concrete sand with 30 to 35 gallons of water per yard.

Notice: A dryer mix (less water) other than what is recommended will not yield suitable results as far as compaction is concerned and will result in you having to replace the product. The mixing company will be able to tell you cost difference in the two products.

Please refer to the diagram on the next page for installation process required by the Road Department.

ROAD CROSSING REQUIREMENTS

- Minimum 3' (three foot) depth, lowest point in right-of-way
- Case full right-of-way
- Vents at each end
- Pipe line markers showing owner, address and phone #
- Survey plat with cross section ties

PARALLEL LINES

- Survey plat with section corner ties
- Minimum 3' (three foot) depth
- Minimum 7' (seven foot) from shoulder or edge of pavement
- Pipe line marker at 400' intervals with owner, address and phone #
- 95% compaction as determined by ASTM-1557
- Moisture content +/- 3% of optimum
- Back slope and shoulder free of all rocks 3" (three inch) and larger



SITE NAME: KI_HBBSNM_RL02
SITE TYPE: UTILITY POLE
TOWER HEIGHT: 140'-0"

SITE ADDRESS: 5312 W. ALABAMA ST.
HOBBS, NM 88240
COUNTY: LEA



11124 KNOXSTON PIKE STE 100 214
KNOXVILLE, TN 37934

DRAWN BY: FLEX
CHECKED BY: WW

REVISIONS			
NO.	DATE	DESCRIPTION	INITIAL
1	01/01/21	ANTENNA ADDITION	FLEX

NOT FOR CONSTRUCTION UNLESS
LABELLED AS CONSTRUCTION SET

207787
5312 W. ALABAMA ST.
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DOCUMENT.

SHEET TITLE
TITLE SHEET

SHEET NUMBER
G-001

SITE INFORMATION	
IF USING 11"x17" PLOT, DRAWINGS WILL BE HALF SCALE	
SITE ADDRESS:	5312 W. ALABAMA ST. HOBBS, NM 88240
COUNTY:	LEA
SITE NUMBER:	207787
STRUCTURE HEIGHT:	140'-0"
LATITUDE:	32.798552455
LONGITUDE:	-103.39454362
LAT/LONG TYPE:	NAD83
TOWER OWNER:	WINDSTREAM

CUSTOMER INFORMATION	
COMPANY:	WINDSTREAM CORPORATION
ADDRESS:	4001 N RODNEY PARHAM RD LITTLE ROCK, AR 72112
CUSTOMER SITE NAME:	KI_HBBSNM_RL02
CONTACT NAME:	TBD
CONTACT MAIL:	TBD
PHONE:	TBD

PROJECT TEAM:	
CONSTRUCTION MANAGER:	SITE ACQUISITION:
NAME: TBD	NAME: ERNEST SNYDER
PHONE: TBD	PHONE: (607) 839-2995
MAIL: TBD	MAIL: Ernest.Snyder@T3Broadband.com
TOWER OWNER CONTACT:	
NAME: TBD	
PHONE: TBD	
MAIL: TBD	

PROJECT DESCRIPTION	
THESE DRAWINGS DEPICT NEW UTILITY POLE WITH ANTENNA INSTALLATION TO PROVIDE HIGH SPEED INTERNET SERVICE IN RURAL AREAS.	

SHEET INDEX:	
SHEET:	DESCRIPTION:
G-001	TITLE SHEET
G-002	GENERAL NOTES
C-101	SITE PLAN
C-201	ANTENNA LAYOUT PLANS & TOWER ELEVATIONS
C-301	CONSTRUCTION DETAILS
C-401	EQUIPMENT DETAILS
E-101	ELECTRICAL PLAN
E-102	ONE-LINE DIAGRAM AND DETAILS
E-103	GROUNDING PLANS
E-104	GROUNDING DETAILS
E-105	GROUNDING DETAILS

GENERAL NOTES	
THE FACILITY IS NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE, NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS NEW.	

APPROVALS:		
PRINT NAME	SIGNATURE	DATE
LANDLORD	_____	_____
CONST. MGR	_____	_____
PROJECT MGR	_____	_____

DRIVING DIRECTIONS	
FROM: LEA COUNTY REGIONAL AIRPORT TO: 7319 W ALABAMA ST HOBBS, NM 88240	
TAKE AIRPORT ENTRANCE RD TO US-180 E/US-42 E	
HEAD SOUTH ON HOBBS AIRPORT RD	
TURN LEFT TO STAY ON HOBBS AIRPORT RD	
TURN LEFT TOWARD AIRPORT ENTRANCE RD	
TURN LEFT ONTO AIRPORT ENTRANCE RD	
TAKE NM-18 N TO W ALABAMA ST	
TURN RIGHT ONTO US-180 E/US-42 E	
TURN LEFT ONTO NW COUNTY RD	
TURN LEFT ONTO NM-18 N	
TURN RIGHT ONTO W ALABAMA ST	
END AT: 7319 W ALABAMA ST HOBBS, NM 88240	

APPLICABLE CODES	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.	
2011 NATIONAL ELECTRICAL CODE 2012 INTERNATIONAL BUILDING CODE 2012 INTERNATIONAL MECHANICAL CODE 2012 INTERNATIONAL PLUMBING CODE 2012 LIFE SAFETY CODE (NFPA 101) 2012 INTERNATIONAL FIRE CODE CITY AND/OR COUNTY ORDINANCES LOCAL BUILDING CODE(S) ANSI EIA/ITA 222-G	

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY MONUMENTS AND/OR VERTICAL CONTROL BENCHMARKS WHICH ARE DISTURBED OR DAMAGED BY CONSTRUCTION. A LAND SURVEYOR MUST FIELD LOCATE, REFERENCE, AND/OR PRESERVE ALL HISTORICAL OR CONTROLLING MONUMENTS PRIOR TO ANY EARTHWORK. IF DAMAGED, SUCH MONUMENTS SHALL BE REPLACED WITH APPROPRIATE MONUMENTS BY A LAND SURVEYOR. A CORNER RECORD OR RECORD OF SURVEY, AS APPROPRIATE, SHALL BE FILED AS REQUIRED BY THE PROFESSIONAL LAND SURVEYORS ACT.
2. IMPORTANT NOTICE: CONTRACTOR SHALL CALL LOCAL UNDERGROUND LOCATE SERVICE THREE WORKING DAYS BEFORE ANY CONSTRUCTION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES WITHIN PROPOSED EXCAVATIONS AND MUST MAINTAIN MINIMUM VERTICAL AND HORIZONTAL CLEARANCES AS CALLED FOR BY LOCAL CODES AND/OR ORDINANCES.
4. CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY EXISTING STRUCTURES OR LANDSCAPING DAMAGED DURING CONSTRUCTION.
5. CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUIT, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
5. THIS PROJECT WILL BE INSPECTED BY ENGINEERING AND FIELD ENGINEERING DIVISION.
7. ANY MANHOLES OR COVERS INSTALLED AS PART OF THIS PROJECT SHALL BE LABELED COMMUNICATIONS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTATION OF AN EROSION CONTROL PLAN WHICH MEETS ALL APPLICABLE REQUIREMENTS OF STATE AND LOCAL AGENCIES HAVING JURISDICTION.
9. THE CONTRACTOR SHALL MAINTAIN MATERIALS AND EQUIPMENT ON SITE FOR UNFORESEEN SITUATIONS INCLUDING DAMAGE TO UNDERGROUND WATER, SEWER, AND CORNER DRAIN FACILITIES WHICH COULD GENERATE FLOWS ABLE TO CAUSE EROSION AND SEDIMENT POLLUTION.

SPECIAL NOTES

1. INDEMNIFICATION CLAUSE: THE CONTRACTOR AGREES AND SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY OF THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTIES. THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONDITIONS. THE CONTRACTOR FURTHER AGREES TO DEFEND INDEMNITY AND HOLD OWNER, REPRESENTATIVES, AND ENGINEERS HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT.
2. PRIOR TO START OF CONSTRUCTION AND THROUGH PROJECT COMPLETION, THE CONTRACTOR SHALL REMAIN IN FULL COMPLIANCE WITH CURRENT FEDERAL, STATE, AND LOCAL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.
3. ALL WORK SHALL CONFORM TO THE LATEST STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION-AS ADOPTED BY THE CITY, COUNTY OR STATE AND AS MODIFIED BY STANDARD PLANS AND ADDENDUMS.
4. ALL UTILITIES AND OTHER FACILITIES DEPICTED ON THE PLANS ARE BASED ON A SEARCH OF AVAILABLE RECORDS AND FIELD OBSERVATIONS. THE CONTRACTOR SHALL VERIFY PRIOR TO CONSTRUCTION START AND USE EXTREME CARE AND PROTECTIVE MEASURES TO AVOID DAMAGE TO ANY FACILITIES WHETHER OR NOT INDICATED ON THESE PLANS. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL FACILITIES WITHIN THE LIMITS OF WORK, WHETHER OR NOT DEPICTED ON THESE PLANS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF ANY CITY, COUNTY OR STATE ENGINEER INSPECTION DEPARTMENT A MINIMUM TWO DAYS PRIOR TO COMMENCEMENT OF ACTIVITY REQUIRING THEIR INVOLVEMENT.
6. THE EXPIRATION OF THE PERMIT FOR THIS PROJECT SHALL BE SPECIFIED BY THE LOCAL AUTHORITY HAVING JURISDICTION.
7. ALL UNDERGROUND CONDUITS PLACED AS PART OF THIS PROJECT MUST HAVE A MINIMUM COVER OF 48 INCHES UNLESS OTHERWISE APPROVED.
8. THE CONTRACTOR SHALL TUNNEL ALL CURB AND GUTTERS AND BORE ALL CONCRETE DRIVEWAYS AND WALKWAYS AT THE DIRECTION OF THE CITY, COUNTY OR STATE ENGINEER HAVING JURISDICTION.
9. ALL PAVEMENT CUT OR DAMAGED AS PART OF THIS PROJECT SHALL BE REPLACED AT THE DIRECTION OF THE CITY, COUNTY OR STATE ENGINEER HAVING JURISDICTION.
10. ALL SHRUBS, PLANTS OR TREES DAMAGED OR DISTURBED DURING THE COURSE OF THE WORK, SHALL BE REPLANTED AND/OR REPLACED SO AS TO RESTORE THE WORK SITE TO ITS ORIGINAL CONDITION.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROCESSING OF ALL APPLICANT PERMIT FORMS ALONG WITH REQUIRED LIABILITY INSURANCE FORMS CLEARLY DEMONSTRATING OWNER, OWNER REPRESENTATIVES, ENGINEER, AND CITY, COUNTY OR STATE ARE ALSO INSURED WITH THE REQUIRED LIABILITY INSURANCE FOR THIS CONSTRUCTION PROJECT.
12. ALL SUBSURFACE STRUCTURES INCLUDING BUT NOT LIMITED TO VAULTS, PEDESTALS, AND CONDUITS SHALL BE AS SPECIFIED IN THESE PLANS OR AS SPECIFIED BY THE ENGINEER. ANY DEVIATIONS SHALL BE APPROVED BY THE ENGINEER IN WRITING PRIOR TO INSTALLATION.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL EXISTING UTILITIES, INCLUDING BUT NOT LIMITED TO SEWER, LATERALS AND WATER SERVICES, BOTH VERTICAL AND HORIZONTAL, PRIOR TO COMMENCING IMPROVEMENT OPERATIONS.
14. THE CONTRACTOR IS RESPONSIBLE FOR COMPLETION OF EXPLORATION EXCAVATIONS CONDUCTED FOR THE PURPOSE OF LOCATING EXISTING FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS AS REQUIRED.
15. LOCATIONS OF EXISTING UTILITIES ON THESE PLANS ARE BASED UPON EXISTING RECORDS VERIFIED WHERE POSSIBLE WITH FIELD TIES. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF LOCATIONS SHOWN, BOTH HORIZONTAL AND VERTICALLY. PRIOR TO CONSTRUCTION, SUBSTANTIAL VARIANCES FROM THE PLANS SHALL BE COMMUNICATED TO THE ENGINEER TO FACILITATE CHANGES TO CONSTRUCTION DRAWINGS AS REQUIRED.

EROSION AND SEDIMENT CONTROL NOTES

TEMPORARY EROSION/SEDIMENT CONTROL PRIOR TO COMPLETION OF FINAL IMPROVEMENTS SHALL BE INSTALLED BY CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW:

1. ALL REQUIREMENTS OF THE CITY, COUNTY AND STATE "STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED GRADING/IMPROVEMENTS CONSISTENT WITH THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP), WATER QUALITY TECHNICAL REPORT (WQTR), AND/OR WATER POLLUTION CONTROL PLAN (WPCP).
2. A GRAVEL BAG SILT BASIN SHALL BE INSTALLED IMMEDIATELY UPSTREAM OF STORM DRAIN INLETS AS INDICATED ON DETAILS.
3. FOR INLETS LOCATED AT SUMPS ADJACENT TO TOP OF SLOPES, THE CONTRACTOR SHALL INSURE WATER DRAINING TO THE SUMP IS DIRECTED INTO THE INLET AND A MINIMUM OF 1.00' FREEBOARD EXISTS AND IS MAINTAINED ABOVE THE TOP OF THE INLET. IF FREEBOARD IS NOT PROVIDED BY GRADING SHOWN ON THESE PLANS THE CONTRACTOR SHALL PROVIDE IT VIA TEMPORARY MEASURES, I.E. GRAVEL BAGS OR DIKES.
4. THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON ADJACENT STREET(S) AND STORM DRAIN SYSTEM DUE TO CONSTRUCTION ACTIVITY.
5. THE CONTRACTOR OR QUALIFIED PERSON SHALL CHECK AND MAINTAIN ALL LINED AND UNLINED DITCHES AFTER EACH RAINFALL.
6. THE CONTRACTOR SHALL REMOVE SILT AND DEBRIS AFTER EACH MAJOR RAINFALL.
7. THE CONTRACTOR SHALL MAINTAIN EQUIPMENT AND WORKERS FOR EMERGENCY WORK AT ALL TIMES DURING THE RAINY SEASON. MATERIALS NECESSARY FOR EMERGENCY MEASURES SHALL BE STOCKPILED ON SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
8. THE CONTRACTOR IS RESPONSIBLE FOR RESTORING ALL EROSION/SEDIMENT CONTROL DEVICES TO WORKING ORDER TO THE SATISFACTION OF THE CITY/COUNTY/STATE ENGINEER OR RESIDENT ENGINEER FOLLOWING ANY RUN-OFF PRODUCING RAINFALL.
9. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION/SEDIMENT CONTROL MEASURES AS REQUIRED BY THE RESIDENT ENGINEER DUE TO UNCOMPLETED GRADING OPERATIONS OR UNFORESEEN CIRCUMSTANCES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE AND TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS ONTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.
11. ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED PER THE APPROVED GRADING PLAN SHALL BE INCORPORATED HEREON. ALL EROSION/SEDIMENT CONTROL FOR INTERIM CONDITIONS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
12. UPON COMPLETION OF WORK EACH DAY, GRADED AREAS AROUND THE PROJECT PERIMETER MUST DRAIN AWAY FROM THE FACE OF THE SLOPE.
13. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS IMMINENT.
14. GRADING, INCLUDING CLEARING AND GRUBBING SHALL ONLY BE CONDUCTED IN AREAS WHERE THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION/DEDIMENT CONTROL MEASURES.

GROUND CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL REMOVE/CLEAN ALL DEBRIS, NAILS, STAPLES, OR NON-USED VERTICALS OFF THE POLE.
2. ALL WORK SHALL BE IN ACCORDANCE WITH MUNICIPAL, COUNTY, STATE, AND FEDERAL STANDARDS AND REGULATIONS.
3. THE CONTRACTOR SHALL CALL LOCAL UNDERGROUND LOCATE SERVICE THREE WORKING DAYS BEFORE ANY CONSTRUCTION IS STARTED.
4. ALL EXISTING LANDSCAPING SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
5. ALL EQUIPMENT SHALL BE BONDED.
6. IF A METERING CABINET IS INSTALLED, A MINIMUM 3' CLEARANCE IS REQUIRED AT DOOR OPENING.
7. IF A METERING CABINET IS INSTALLED, THE CONTRACTOR SHALL CAULK THE CABINET BASE AT THE PAD.

STANDARD GROUNDING NOTES:

1. GROUND SHALL BE TESTED AT 25 OHMS OR LESS.
2. GROUND RODS SHALL BE 5/8"X8". ATTACHMENT TO GROUND RODS SHALL BE EXOTHERMIC WELD OR UL LISTED DIRECT BURY CLAMP BELOW GRADE.
3. BURIED GROUND AND BONDING WIRE SHALL BE #6 AWG.
4. MOLDING SHALL BE STAPLED EVERY 1' AND AT EACH END.

STANDARD CONDUIT NOTES:

1. SCHEDULE 40 CONDUIT SHALL BE USED UNDERGROUND.
2. SCHEDULE 80 CONDUIT SHALL BE USED FOR RISERS.
3. RISERS SHALL BE ATTACHED TO POLE WITH STANDARD U-CRAMPS AND LAG SCREWS.
4. RISER U-CRAMPS TO BE INSTALLED EVERY 5'.
5. FOR UG POWER INSTALLATIONS, 2. SDR-11 RED CONDUIT SHALL BE UTILIZED.
6. GROUND WIRE MOLDING STAPLES MAY BE UTILIZED FOR ATTACHING CONDUIT LESS THAN 1" DIAMETER.
7. ALL CONDUIT SHALL BE PROOFED WITH A MANDREL AND EQUIPPED WITH A PULL ROPE OR MULE TAPE.

STANDARD TRENCHING NOTES:

1. A MINIMUM OF 2'-6" OF COVER SHALL BE MAINTAINED OVER ALL ELECTRICAL CONDUITS.
2. A MINIMUM OF 4'-0" OF COVER SHALL BE MAINTAINED OVER ALL COMMUNICATIONS CONDUITS.
3. IN STREETS, SLURRY TO GRADE AND MILL DOWN 1-1/2" FOR AC CAP.
4. IN DIRT, SLURRY TO 18" FROM GRADE AND FILL WITH 95% COMPACTION NATIVE SOIL FOR BALANCE.
5. WARNING TAPE SHALL BE INSTALLED 1'-0" ABOVE ALL CONDUITS. #18 WARNING TAPE SHALL BE INSTALLED ABOVE GROUND RING.

UTILITY POLE CONSTRUCTION NOTES:

1. BOLT THREADS SHALL NOT PROTRUDE MORE THAN 1-1/2".
2. HOLES LEFT IN POLE DUE TO REARRANGEMENT OF CLIMBERS SHALL BE FILLED.
3. CLIMB STEPS ADJACENT TO CONDUIT SHALL HAVE EXTENDED STEPS.
4. CABLE SHALL NOT IMPEDE 15' CLEAR SPACE OFF POLE FACE (12:00).
5. 90° SHORT SWEEPS SHALL BE USED UNDER ANTENNA ARM. CABLES MUST TRANSITION ON THE INSIDE OR BOTTOM OF ARMS. (NO CABLE SHALL BE INSTALLED ON TOP OF ARMS.)
6. CABLE CLAMPS SHALL BE UTILIZED TO SECURE CABLE TO ARMS;
7. CARRIER CABLE ID TAGS SHALL BE PLACED ON BOTH SIDES OF ARMS.
7. UTILIZE A 90° CONNECTOR AT CABLE CONNECTION TO ANTENNA.
8. 1/2" CABLE TO BE UTILIZED UNLESS NOTED OTHERWISE.
9. VOIDS AROUND CABLES AT CONDUIT OPENINGS SHALL BE FILLED WITH FOAM SEALANT TO PREVENT WATER INTRUSION.



11124 KINGSTON PARK STE 110-204
KNOXVILLE, TN 37934

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20787

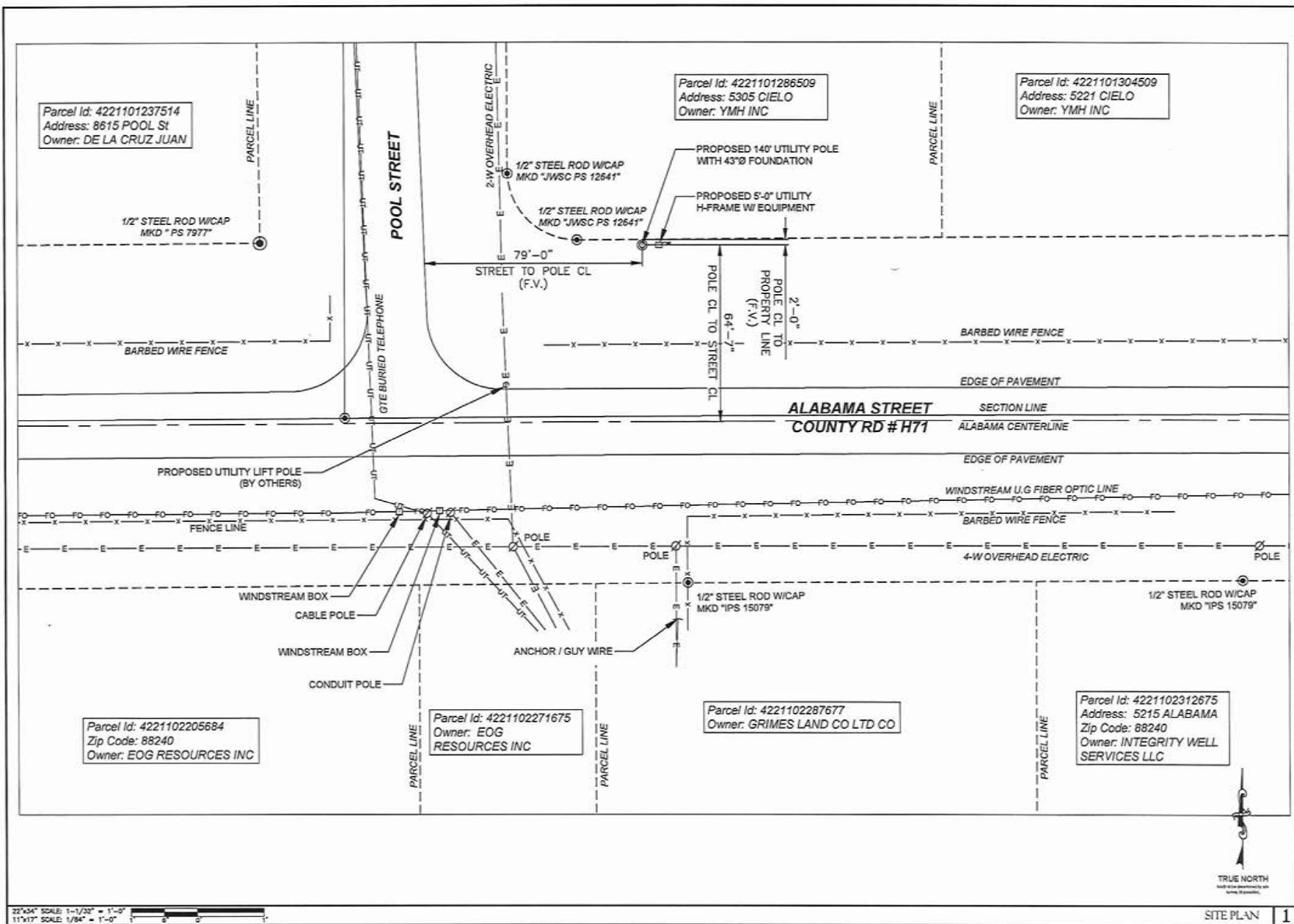
5312 W. ALABAMA ST.
HOBBS, NM 88240

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SHEET TITLE
GENERAL NOTES

SHEET NUMBER

G-002



11204 KINGSTON PARK STE 119-124
KNOXVILLE, TN 37954

DESIGNED BY: FLEX

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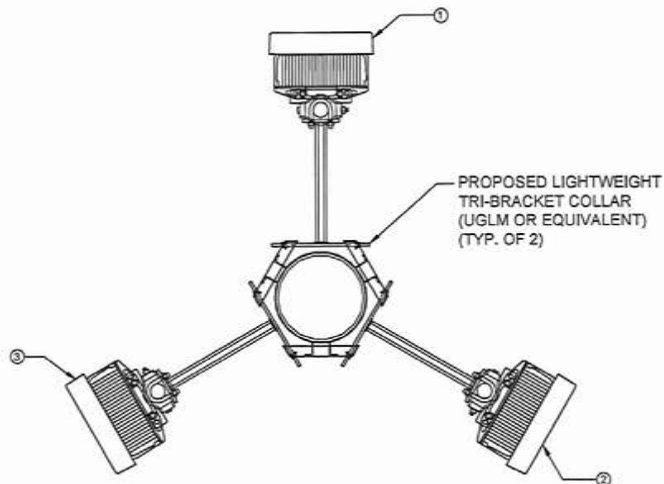
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SHEET TITLE

SITE PLAN

SHEET NUMBER

C-101



TRUE NORTH
NAD 83 TO NAD 2011 BY NAD 83
NAD 83 TO NAD 2011 BY NAD 83

22'x34' SCALE: 1" = 1'-0"
11'x17' SCALE: 1/2" = 1'-0"

NEW ANTENNA PLAN 1

ANTENNA SUMMARY

NO	ANTENNA MANUFACTURER	ANTENNA MODEL	AZIMUTH	RAD CENTER
1	ERICSSON	6488	0°	138'-0"
2	ERICSSON	6488	120°	138'-0"
3	ERICSSON	6488	240°	138'-0"

ANTENNA SUMMARY 2

STRUCTURE HEIGHT
ELEV. =140'-0" A.G.L.
RAD CENTER OF ANTENNAS
ELEV. =138'-0" A.G.L.

(3) NEW WINDSTREM ANTENNAS
@ 138' AGL MOUNTED ON
PROPOSED ANTENNA MOUNT

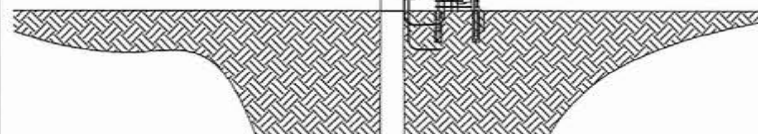
NEW UTILITY
POLE

① POLE TOP MOUNTING STRUCTURE
INSTALLATION PER POLE MFG
SPECIFICATIONS.

② NEW STEEL POLE PER SABRE
INDUSTRIES TOWE DESIGN. TO BE
ERECTED PER MFG SPECIFICATIONS.

PROPOSED (1) 1 1/4"
HYBRID CABLE ROUTED
WITHIN THE POLE

NEW WINDSTREM
EQUIPMENT H-FRAME
W/ EQUIPMENT



22'x34' SCALE: 1/8" = 1'-0"
11'x17' SCALE: 1/16" = 1'-0"

NEW ELEVATION 3

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KNOXVILLE, TN 37934

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1	01/01/2024	ANTENNA ADDITION	FLEX

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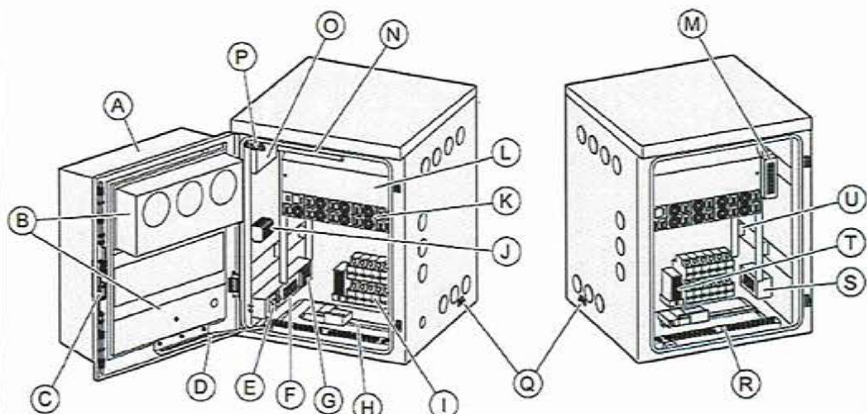
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SHEET TITLE
ANTENNA LAYOUT PLANS &
TOWER ELEVATIONS

SHEET NUMBER

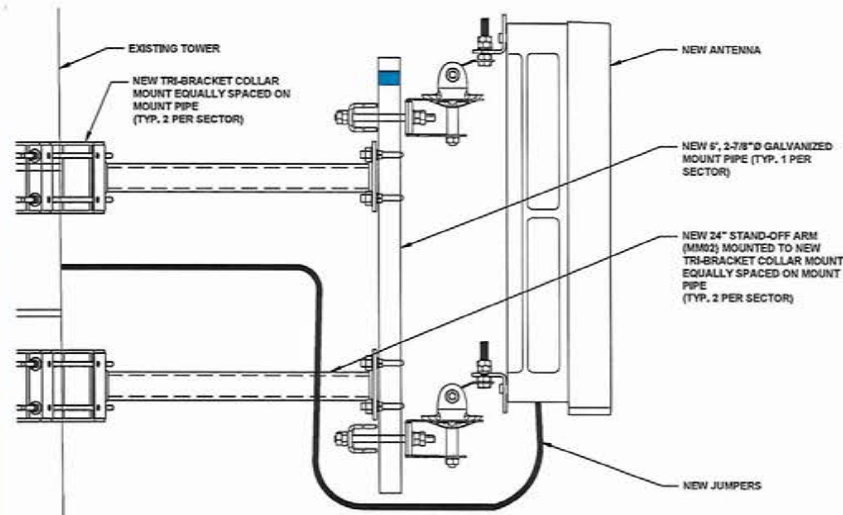
C-201



Position	Name of Unit	Description
A	Cabinet door	Cabinet door including HEX climate system.
B	HEX climate system	Climate system including three internal fans, three external fans, climate control board, temperature sensor, and a heater (optional). The internal fans are located behind a cover on the upper part of the door. The external fans are located behind a cover on the lower part of the door.
C	Cylinder lock	Lock for cabinet door.
D	Door latch	The latch holds the door in position.
E	AC service outlet	AC service outlet and Residual Current Breaker (RCB).
F	AC circuit breakers, AC input terminal	Incoming AC power interface.
G	AC SPD	The SPDs protect the power system from lightning and surge.

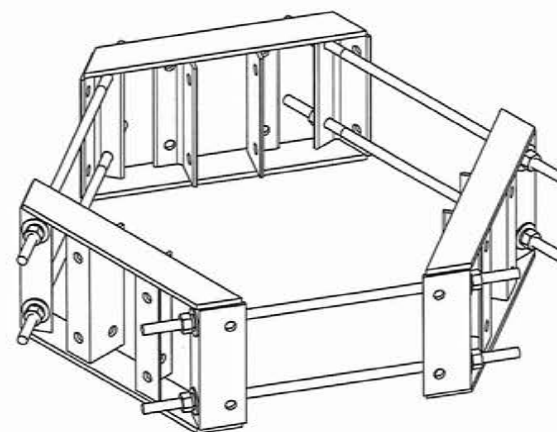
Position	Name of Unit	Description
H	DIN rail	DIN rail to be used for installing optional equipment, such as OVP and GNSS.
I	DIN rail	DIN rail to be used for installing optional equipment, such as DC SPDs.
J	AC terminal	AC terminal
K	Power subrack	Includes DC distribution unit, power controller and rectifiers.
L	DCDU	DC distribution unit including 21 circuit breakers.
M	SCU	Remote control and monitor of the enclosure through Internet Protocol (IP) connectivity.
N	Internal lamp	Service lamp to facilitate installation and maintenance work.
O	Fuses	Fuses for internal equipment such as climate system, SCU, and heater.
P	Door switch and light switch	The door switch sends an alarm signal to indicate door open when the door is open. The light switch turns the light on or off when the door is opened or closed.
Q	External grounding point	The grounding connection point comprises an Main Earthing Terminal (MET).
R	Internal grounding bar	Grounding bar that comprises the MET. Also used to connect the cable shield from signal cables.
S	Battery input terminal	Battery power interface.
T	DC Heater	The DC heater.
U	User space for 19-inch equipment	User space compartment for optional 19-inch equipment.

CABINET DETAIL 1 N.T.S.



N.T.S.

ANTENNA MOUNT DETAIL 2



TRI-COLLAR BRACKET MOUNT ISOMETRIC 3

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1100 KINGSTON PKWY. STE. 110 214
KNOXVILLE, TN 37994

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NO.	DATE	DESCRIPTION	INITIALS
1	01/01/22	ANTENNA ADDITION	PLUX

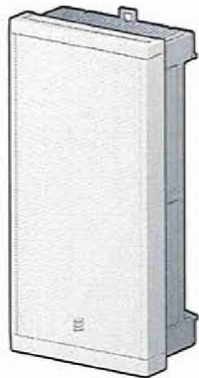
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SHEET TITLE
CONSTRUCTION DETAILS

SHEET NUMBER
C-501



ERICSSON AIR 6488

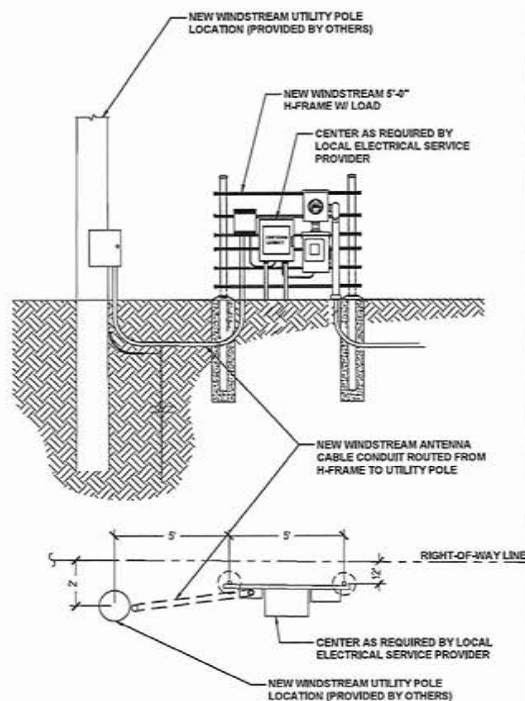
1

ROSENBERGER TOWER TOP FTTA DISTRIBUTION

2

ERICSSON 6360

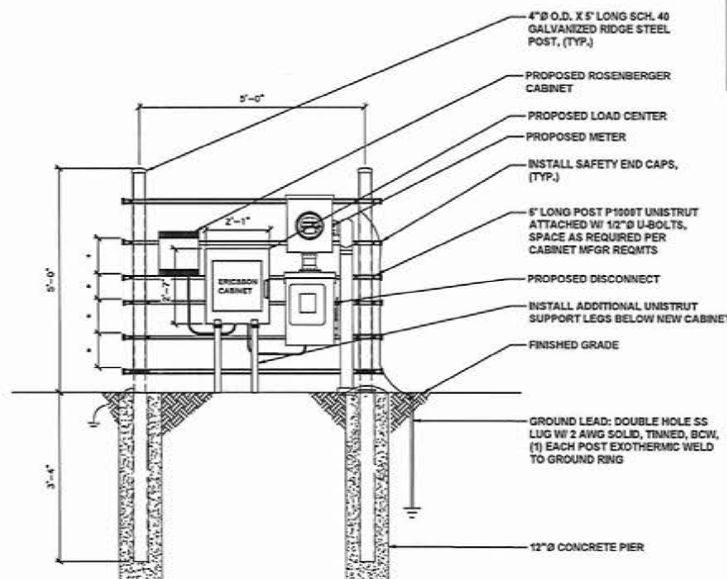
3



3/16" SCALE: NTS
1 1/4" SCALE: NTS

DETAIL RACK ELEVATION

4



3/16" SCALE: NTS
1 1/4" SCALE: NTS

H-FRAME DETAIL

5

NOTES:

1. *-COORDINATE ELEVATIONS WITH EQUIPMENT MOUNTING HEIGHT
2. STEEL SHALL BE HOT DIP GALVANIZED.
3. CABINETS SHALL BE MOUNTED WITH STAINLESS STEEL BOLTS.
4. METAL POSTS ARE NOT ALLOWED TO SEVE AS EQUIPMENT GROUNDING CONDUCTORS.
5. UNISTRUT SHALL NOT EXTEND BEYOND POST & MUST HAVE SAFETY END CAPS FOR SAFETY REASONS.
6. METALLIC PARTS SHALL BE BONDED ACCORDING TO THE NEC.
7. GROUNDING SHALL CONFORM TO NEC AND SECTION 436-439.

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KNOXVILLE, TN 37954

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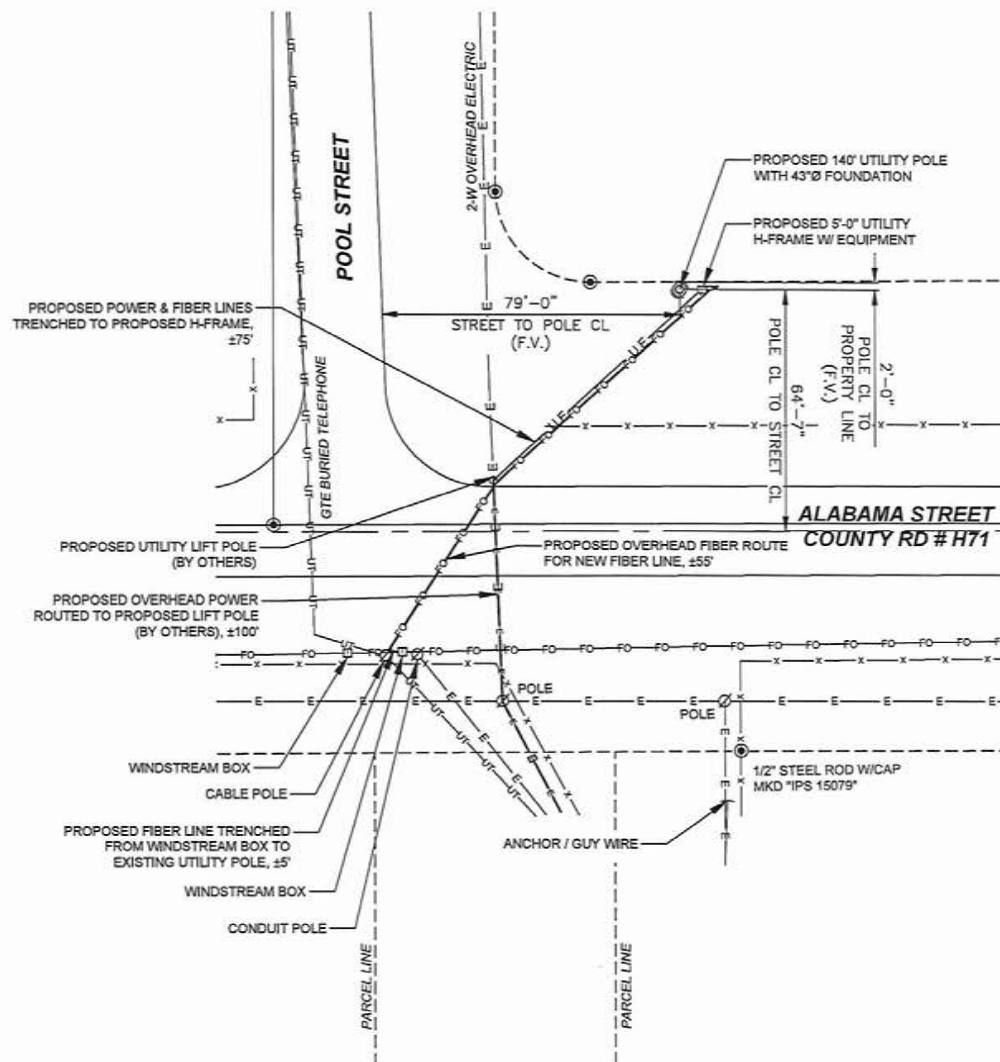
SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER

C-502

NOTES AND SPECIFICATIONS

1. ALL ELECTRICAL WORK SHALL COMPLY WITH NEC, STATE, AND LOCAL CODES.
2. CONTRACTOR SHALL OBTAIN OWNER/TENANT SPECIFICATIONS AND REVIEW FOR ADDITIONAL DETAILS AND REQUIREMENTS THAT MAY NOT BE SHOWN IN THESE DRAWINGS. CONTRACTOR SHALL COMPLY WITH ANY ADDITIONAL OWNER/TENANT SPECIFICATIONS AND REQUIREMENTS.
3. CONTRACTOR SHALL COORDINATE WITH THE ELECTRIC UTILITY FOR THE EXACT TRANSFORMER LOCATION, METERING REQUIREMENTS, AND SERVICE ROUTING. CONTRACTOR SHALL COORDINATE WITH THE TELEPHONE UTILITY FOR THE EXACT TELEPHONE REQUIREMENTS AND SERVICE ROUTING.
4. PRIOR TO PURCHASING EQUIPMENT, THE CONTRACTOR SHALL CONTACT THE ELECTRIC COMPANY AND OBTAIN IN WRITING THE MAXIMUM AVAILABLE FAULT CURRENT AT THE UTILITY SERVICE POINT. THE CONTRACTOR SHALL ENSURE ALL ELECTRICAL EQUIPMENT, CIRCUIT BREAKERS, DISCONNECTS, FUSES, AND PANELBOARDS HAVE A FAULT CURRENT INTERRUPTING RATING GREATER THAN THE AVAILABLE FAULT CURRENT. IN NO CASE SHALL THE FAULT CURRENT INTERRUPTING RATING BE LESS THAN 10,000 AMPS.
5. CONTRACTOR TO PROVIDE 2-200 LB TEST POLYETHYLENE PULL CORDS SECURELY FASTENED AT EACH END OF POWER AND TELCO CONDUIT. PROVIDE CAPS ON END OF UNUSED CONDUIT.
6. CONTRACTOR TO PROVIDE A REBAR MARKER WITH AT LEAST 2 FEET EXPOSED ABOVE GRADE AND PAINTED BRIGHT ORANGE TO INDICATE LOCATION OF CONDUIT CAPPED BELOW GRADE.
7. PRIOR TO TRENCHING CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES. CONTRACTOR SHALL REPAIR AT CONTRACTOR'S EXPENSE ANY DAMAGE TO EXISTING UTILITIES.
8. CONTRACTOR TO VERIFY EXACT ROUTING OF POWER AND TELCO CONDUIT WITH LOCAL UTILITIES AND OWNER/TENANT. ENSURE ALL CONDUIT STUB-UPS ACCOMMODATE EQUIPMENT REQUIREMENTS.
9. UNDERGROUND CONDUITS SHALL BE SCHEDULE 40 PVC UNLESS NOTED OTHERWISE. USE SCHEDULE 80 PVC UNDER ROADS.
10. CONDUIT RUNS SHALL HAVE A CONTINUOUS SLOPE DOWNWARDS AND AWAY FROM THE EQUIPMENT TO ALLOW WATER TO FLOW AWAY FROM THE EQUIPMENT AND SHELTER. EXCAVATE TRENCHES ALONG STRAIGHT LINES PRIOR TO INSTALLING CONDUIT TO ACCOMMODATE ADJUSTING THE ELEVATION, AS NEEDED.
11. CONDUIT ENTERING EQUIPMENT SHALL BE SEALED WITH A SEALANT THAT IS IDENTIFIED FOR USE WITH THE CABLE/CONDUCTOR INSULATION, SHIELDING, ETC.
12. THE OWNER SHALL FURNISH AND THE CONTRACTOR SHALL INSTALL ADDITIONAL SIGNAGE TO BE LOCATED AT THE COMPOUND FENCE. CONTRACTOR SHALL COORDINATE WITH OWNER/TENANT CONSTRUCTION MANAGER FOR PLACEMENT OF SIGNAGE.
13. UPON COMPLETION OF CONSTRUCTION, CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED BY CONSTRUCTION ACTIVITIES TO THE LANDSCAPING AREA.
14. CONTRACTOR TO ENSURE A MIN. 3' CLEARANCE IN FRONT OF ELECTRICAL PANELS PER NEC.
15. ALL ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT SHALL BE LABEL TESTED BY AN APPROVED THIRD PARTY TESTING AGENCY.



22"x34" SCALE: 1/16" = 1'-0"
11"x17" SCALE: 1/32" = 1'-0"

ELECTRICAL PLAN 1



11124 KNOXSTON PIKE STE 110 214
KNOXVILLE, TN 37934

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NO.	DATE	DESCRIPTION	INITIAL	FILE
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5312 W. ALABAMA ST.
HOBBS, NM 88240

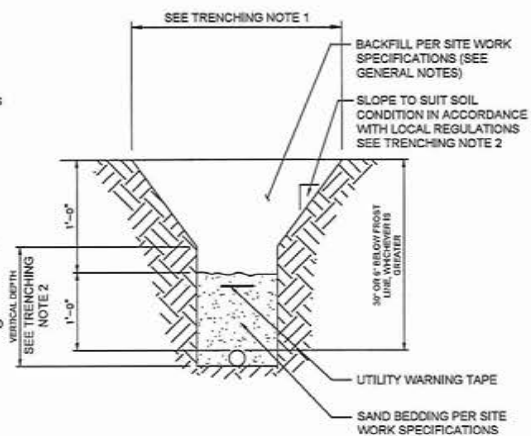
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SHEET TITLE
ELECTRICAL PLAN

SHEET NUMBER
E-101

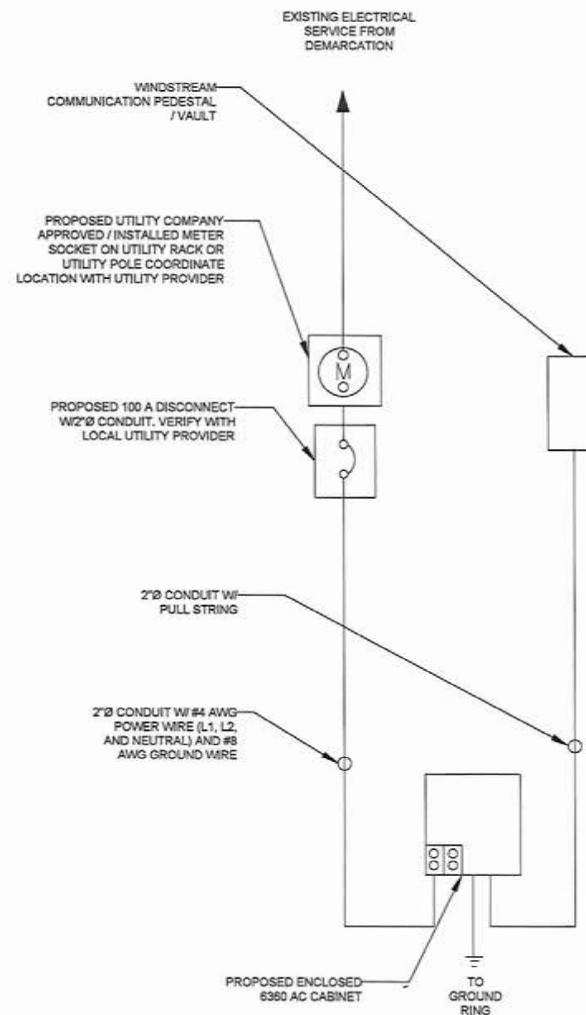
TRENCHING NOTES

1. CONTRACTOR SHALL RESTORE THE TRENCH TO ITS ORIGINAL CONDITIONS BY EITHER SEEDING OR SODDING GRASS AREAS, OR REPLACING ASPHALT OR CONCRETE AREAS TO ITS ORIGINAL CROSS SECTION.
2. TRENCHING SAFETY; INCLUDING, BUT NOT LIMITED TO SOIL CLASSIFICATION, SLOPING, AND SHORING, SHALL BE GOVERNED BY THE CURRENT OSHA TRENCHING AND EXCAVATION SAFETY STANDARDS.
3. ALL CONDUITS SHALL BE INSTALLED IN COMPLIANCE WITH THE CURRENT NATIONAL ELECTRIC CODE (NEC) OR AS REQUIRED BY THE LOCAL JURISDICTION, WHICHEVER IS THE MOST STRINGENT.



NOT USED 1

TYPICAL UNDERGROUND TRENCH DETAIL 2



ONE-LINE DIAGRAM 3



11124 KIMMERTON PKWY. STE. 119-254
KNOXVILLE, TN 37934

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1		REPLACE ANTENNA ADDITION		

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207787
5312 W. ALABAMA ST.
HOBBES, TN 37040

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SHEET TITLE
ONE-LINE DIAGRAM AND
DETAILS

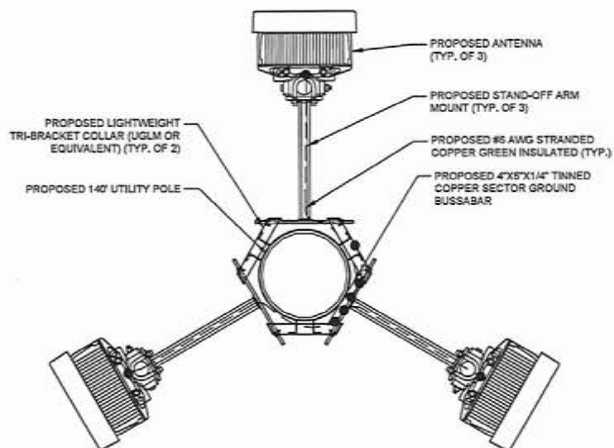
SHEET NUMBER

E-102

NOTES:

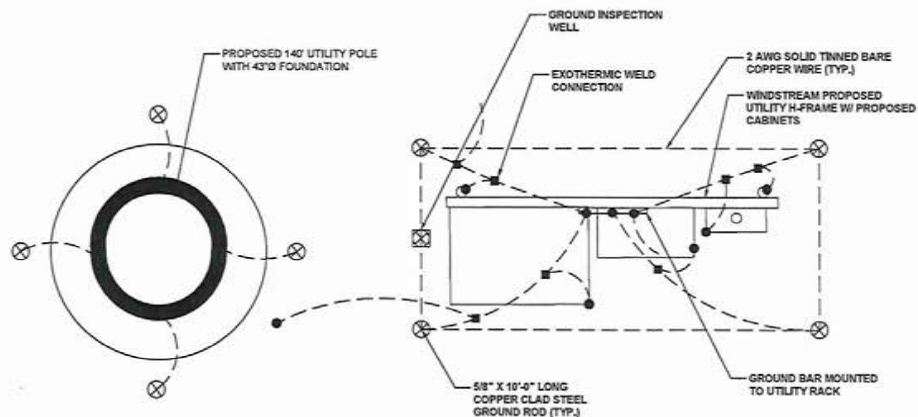
1. GROUNDING IS SHOWN DIAGRAMMATICALLY ONLY.
2. CONTRACTOR SHALL GROUND ALL EQUIPMENT AS A COMPLETE SYSTEM. GROUNDING SHALL BE IN COMPLIANCE WITH NEW SECTION 250 AND MANUFACTURER'S SPECIFICATIONS.
3. ALL GROUND CONDUCTORS SHALL BE COPPER, NO ALUMINUM CONDUCTORS SHALL BE USED.

NOTE:
ANTENNAS AND RRUS ARE GENERIC
AND NOT REFERENCING TO A SPECIFIC
MANUFACTURER. THIS LAYOUT IS FOR
REFERENCE ONLY



22"x34" SCALE: 3/4" = 1'-0"
11"x17" SCALE: 3/8" = 1'-0"

ANTENNA GROUNDING PLAN 1



22"x34" SCALE: 1" = 1'-0"
11"x17" SCALE: 1/2" = 1'-0"

GROUNDING PLAN 2

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1124 KNOXINGTON PLACE STE 110-324
KNOXVILLE, TN 37934

DRAWN BY: FLEX
CHECKED BY: WW

REVISIONS				
NO.	DATE	DESCRIPTION	INITIALS	
1	06/25	ANTENNA ADDITION	FLEX	

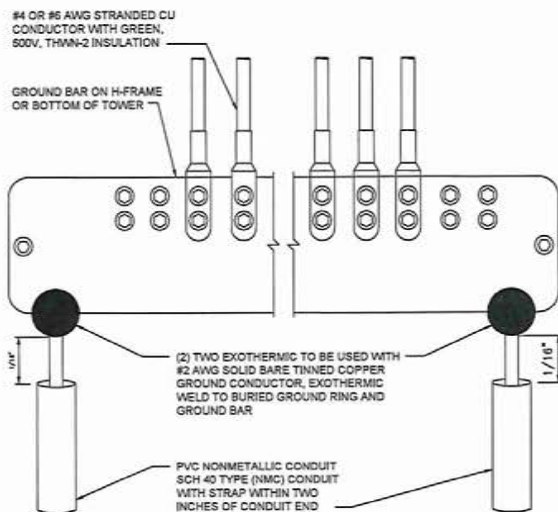
NOT FOR CONSTRUCTION USE. SEE
LARGED AS CONSTRUCTION SET

207787
5312 W. ALABAMA ST.
HOBBESNM 88240

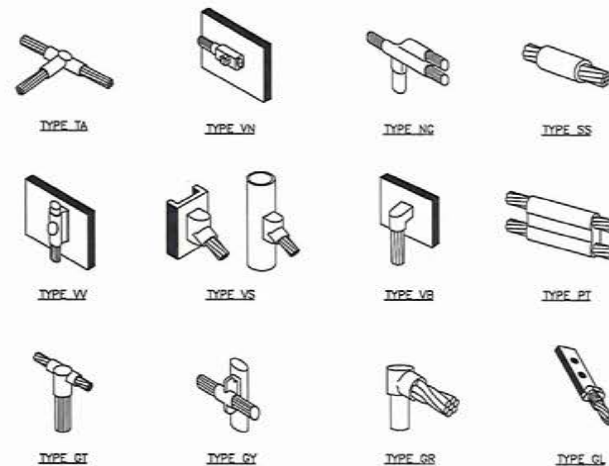
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PROFESSIONAL ENGINEER, TO ALTER THIS
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SHEET TITLE
GROUNDING PLANS

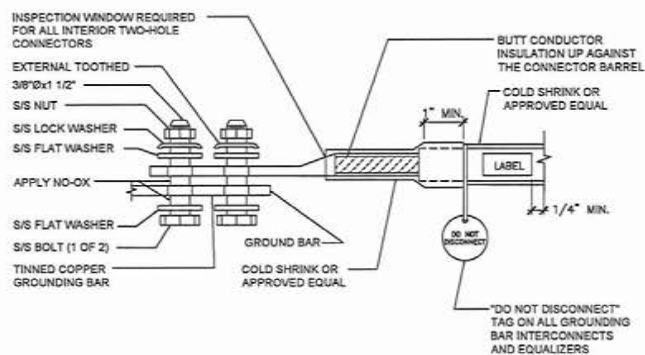
SHEET NUMBER
E-103



GROUND BAR DETAILS 1



CALDWELL DETAILS 2



EXTERIOR TWO HOLE LUG DETAIL 3

NOT USED 4

NOT USED 5

windstream
communications

FLEX
EMPLOYMENT SOLUTIONS

11124 KNOXINGTON PARK STE. 100-214
KNOXVILLE, TN 37954

DRAWN BY: FLEX
CHECKED BY: WW

REVISIONS			
NO.	DATE	DESCRIPTION	INITIALS
1		8 BLU/GR ANTENNA ADDITION	WW

NOT FOR CONSTRUCTION UNLESS
LABELED AS CONSTRUCTION SET

207787
5312 W. ALABAMA ST.
HOBBS, NM 88240

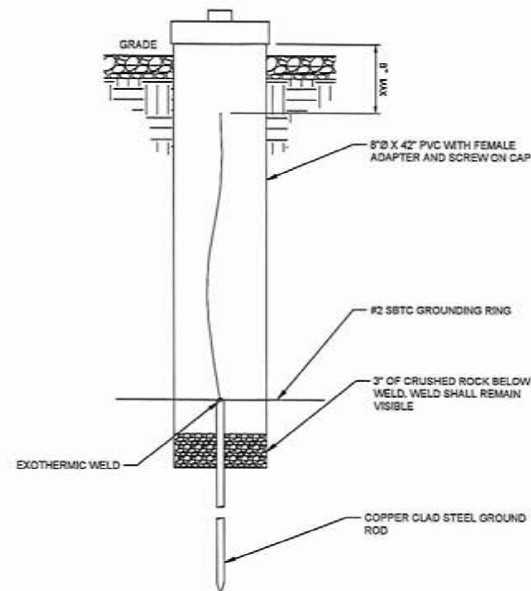
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SHEET TITLE
GROUNDING DETAILS

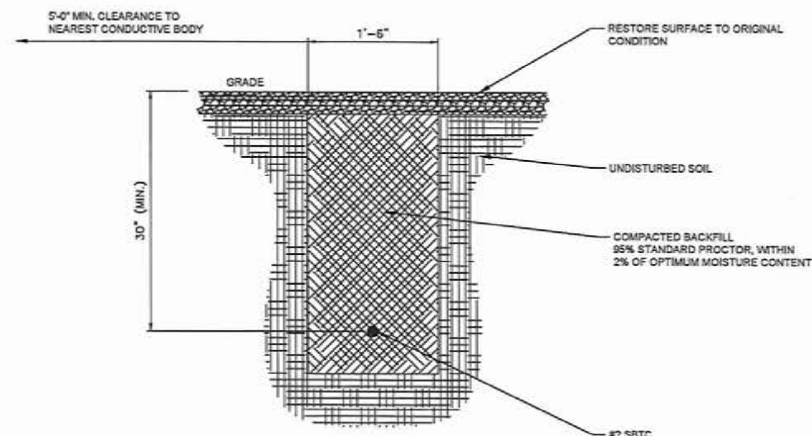
SHEET NUMBER
E-104

NOTES:

1. EXTERIOR GROUND RING: #2 AWG SOLID COPPER, BURIED AT A DEPTH OF AT LEAST 30" BELOW GRADE OR 6" BELOW THE FROST LINE AND APPROXIMATELY 24" FROM THE EXTERIOR WALL OR FOOTING.
2. INTERIOR GROUND RING: #2 AWG STRANDED GREEN INSULATED COPPER CONDUCTOR EXTENDED AROUND THE PERIMETER OF THE EQUIPMENT AREA. ALL NON-TELECOMMUNICATIONS RELATED METALLIC OBJECTS FOUND WITHIN A SITE SHALL BE GROUNDED TO THE INTERIOR GROUND RING WITH #6 AWG STRANDED GREEN INSULATED CONDUCTOR.
3. BOND TO INTERIOR GROUND RING: #2 AWG SOLID TINNED COPPER WIRE PRIMARY BONDS SHALL BE PROVIDED AT LEAST AT FOUR POINTS ON THE INTERIOR GROUND RING, LOCATED AT THE CORNERS OF THE BUILDING.
4. GROUND ROD: UL LISTER COPPER CLAD STEEL, MINIMUM 1/2" BY EIGHT FEET LONG. AT LEAST ONE GROUND ROD SHALL BE INSTALLED WITH INSPECTION SLEEVES. GROUND RODS SHALL BE DRIVEN TO THE DEPTH OF GROUND RING CONDUCTOR.
5. CELL REFERENCE GROUND BAR: POINT OF GROUND REFERENCE FOR ALL COMMUNICATIONS EQUIPMENT FRAMES. ALL BONDS ARE MADE WITH #2 AWG UNLESS NOTED OTHERWISE. STRANDED GREEN INSULATED COPPER CONDUCTORS, BOND TO GROUND RING WITH (2) (#2) SOLID TINNED COPPER CONDUCTORS.
6. HATCH PLATE GROUND BAR: BOND TO THE INTERIOR GROUND RING WITH (2) (#2) AWG STRANDED GREEN INSULATED COPPER CONDUCTORS. WHEN A HATCH-PLATE AND A CELL REFERENCE GROUND BAR ARE BOTH PRESENT, THE CRGB MUST BE CONNECTED TO THE HATCH-PLATE AND TO THE INTERIOR GROUND RING USING (2) (#2) AWG STRANDED GREEN INSULATED COPPER CONDUCTORS EACH.
7. EXTERIOR CABLE ENTRY PORT GROUND BARS: LOCATED AT THE ENTRANCE TO THE CELL SITE BUILDING, BOND TO GROUND RING WITH A #2 AWG SOLID TINNED COPPER CONDUCTORS WITH AN EXOTHERMIC WELD AND INSPECTION SLEEVE.
8. TELCO GROUND BAR: BOND TO BOTH CELL REFERENCE GROUND BAR AND EXTERIOR GROUND RING.
9. INTERIOR UNIT BONDS: METAL FRAMES, CABINETS AND INDIVIDUAL METALLIC UNITS LATED WITH THE ARE OF THE INTERIOR GROUND RING REQUIRE A #6 AWG STRANDED GREEN INSULATED COPPER BOND TO THE INTERIOR GROUND RING.
10. ICE BRIDGE SUPPORTS: EACH ICE BRIDGE LEG SHALL BE BONDED TO THE GROUND RING WITH #2 AWG BARE TINNED COPPER CONDUCTOR, PROVIDE EXOTHERMIC WELDS AT BOTH THE ICE BRIDGE LEG AND BURIED GROUND RING.
11. DURING ALL DC POWER SYSTEM CHANGES INCLUDING CD SYSTEM CHANGE OUTS, RECTIFIER REPLACEMENTS OR ADDITIONS, BREAKER DISTRIBUTION CHANGES, BATTERY ADDITIONS, BATTERY REPLACEMENTS AND INSTALLATIONS OR CHANGES TO DC CONVERTER SYSTEMS IT SHALL BE REQUIRED THAT SERVICE CONTRACTORS VERIFY ALL DC POWER SYSTEMS ARE EQUIPPMENT WITH A MASTER DC SYSTEM RETURN GROUND CONDUCTOR FROM THE DC POWER SYSTEM COMMON RETURN BUS DIRECTLY TO THE CELL SITE REFERENCE GROUND BAR.
12. TOWER TOP COLLECTOR BUSS BAR IS TO BE MECHANICALLY BONDED TO PROPOSED ANTENNA MOUNT.



TEST WELL DETAIL 1



GROUND CONNECTION TRENCH DETAIL (STD.) 2

windstream
communications

FLEX
DEVELOPMENT SOLUTIONS

1114 KINGSTON PIKE, STE. 210
KNOXVILLE, TN 37904

DRAWN BY: FLEX
CHECKED BY: WW

REVISIONS			
NO.	DATE	DESCRIPTION	INITIAL
1	11/15/18	ANTENNA ADDITION	FLEX

NOT FOR CONSTRUCTION UNLESS
LABELLED AS CONSTRUCTION SET

207787
5312 W. ALABAMA ST.
HOBBS, NM 88240

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SHEET TITLE
GROUNDING DETAILS

SHEET NUMBER
E-105

STATE OF NEW MEXICO
COUNTY OF LEA
ORDINANCE NO. 86

ESTABLISHING RULES AND PROCEDURES GOVERNING USE OF
COUNTY RIGHT-OF-WAY

Findings, authority and purpose.

- A. Lea County (hereinafter "County") owns, maintains, or is responsible for approximately 1,218.9 lineal miles of right-of-way, including, but not limited to, roadways and easements, within the unincorporated areas of the County. From time to time, utilities and other persons desire to occupy, use, construct or excavate within the County right-of-way.
- B. The Board of County Commissioners has the statutory authority and responsibility to make such orders concerning County property, including right-of-way, as it may deem expedient. (NMSA § 4-38-13) The Board of County Commissioners must grant the use of County-owned property pursuant to New Mexico statutes and the New Mexico Constitution. In the absence of specific statutory provision to the contrary, the Board of County Commissioners "represents the county and has the care of the county property and management of the interest of the County in all cases where no other provision is made by law." (NMSA § 4-38-18)
- C. The New Mexico Constitution requires that the County receive full compensation for the use of its property. "Neither the state nor any county, school district or municipality, except as otherwise provided in this Constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation. . .". (New Mexico Constitution, Article IX, Section 14)
- D. While regulated public utilities are "authorized to place their pipes, poles, wires, cables, conduits, towers, piers, stations and other necessary fixtures, appliances and structures, upon or across any of the public roads, streets, alleys, highways and waters in the state," such use of County property is "subject to the regulation of the County commissioners...". (NMSA § 62-1-2) Additionally, nonregulated mutual domestic water associations and water and sanitation districts also require access to County right-of-way. The Board of County Commissioners wishes to foster the continued expansion of utility service throughout the unincorporated areas of the County. The Board also wishes to provide that the County be compensated for the reasonable costs involved in the use of the right-of-way, for administrative expenses incurred in the processing of the necessary permits, as well as for the required monitoring of the progress of the work and protection of the public health, safety and welfare. Further, under NMSA § 62-1-3, the Board of County Commissioners is authorized to impose charges for reasonable actual expenses incurred in the granting of such right-of-way use to a utility for use of County right-of-way. Harmonizing the language of Article IX, Section 14, of the New Mexico Constitution with the aforementioned statutes, it is manifest that the County must take the proper steps to ensure that utilities and other persons wishing to use County right-of-way compensate the County for actual reasonable expenses relating to their use of the County's property.
- E. Therefore, pursuant to the conditions of this Ordinance, the Board of County Commissioners will require parties wishing to use County right-of-way to compensate the County for all the County's reasonable costs incurred directly and indirectly in permitting the use of County right-of-way, including, but not limited to, the costs of mapping, managing, and coordinating the use of the right-of-way by the various parties, along with the administrative and general costs related to processing applications for use of the right-of-way and the enforcement of the terms of this Ordinance.
- F. Further, the Board of County Commissioners will require utilities or persons using County right-of-way to adequately indemnify, hold harmless and defend the County against all possible claims of loss or damage arising out of the use of the right-of-way.
- G. All uses of County right-of-way must be coordinated to ensure the maintenance of public health, safety and welfare pursuant to NMSA § 4-37-1; to allow the Board of County Commissioners, to the extent permitted by law, to prioritize the use of County right-of-way; and to achieve County

goals. It is a goal of the Board of County Commissioners to reduce the possibility of unnecessary duplication and economic waste in the use of County right-of-way and to use and grant the use of its right-of-way consistent with the best interests of the County and its inhabitants. Therefore, consistent with New Mexico law, the County may deny any application for use of County right-of-way that the Board of County Commissioners finds would or may interfere with an existing use of the right-of-way by those utilities which have valid permits issued by the County, or which have entered into a right-of-way use agreement with the County, pursuant to terms of this Ordinance. In addition, consistent with New Mexico law, the Board of County Commissioners may deny any application for use of County right-of-way that the Board finds would or may duplicate the County's own planned or actual use, would negatively affect a County purpose or project, or may be harmful to the health, safety and welfare of the public.

- H. The Board of County Commissioners may by separate resolution establish and appoint a Utility Advisory Planning Council for the purpose of advising and assisting the Board with the creation of a County-wide utility plan for the orderly and coordinated growth and expansion of utilities within the County.
- I. Nothing in this Ordinance should be construed or interpreted to affect or to impair the jurisdiction of the New Mexico Public Utility Commission or other statutorily created agency having jurisdiction over public or nonpublic entities or to affect or to impair a regulated public utility's rights and obligations under the New Mexico Public Utility Act, NMSA § 62-3-1 et seq., or any other state act.
- J. The Board of County Commissioners adopts this Ordinance and establishes herein the administrative process utilities and other persons must follow to gain permission to use County right-of-way, and the engineering and design standards a utility must satisfy to perform any work or place any facilities within the right-of-way and the fees to be paid therefor.

Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

ACTUAL AND REASONABLE EXPENSES

All expenses directly or indirectly incurred by the County related to permitting the use of County right-of-way by utilities or persons, including but not limited to, the costs of mapping, managing, and coordinating the use of the right-of-way by the utilities or persons, along with the administrative and general costs related to the processing of application for use of the right-of-way, and the enforcement of the terms and conditions of this Ordinance, and any other cost or expense reasonably associated with the maintenance of the right-of-way in a manner that protects the health, safety and welfare of the public.

AERIAL

Installation of new facilities suspended above ground level.

APPLICANT

Any utility or person required to obtain a permit pursuant to the terms and conditions of this Ordinance.

COUNTY

Lea County or the Board of Commissioners of Lea County, as the context requires.

EMERGENCY

Any situation necessitating excavation of, use of, or entrance onto the County right-of-way for the purpose of locating a problem area or to make repairs in a facility when circumstances are such that delay in correcting the problem or making the repair would present a substantial and real threat of injury, would harm the health, safety and welfare of the public, or would likely result in serious property loss or damage.

EXCAVATION

A hole, trench, ditch or depression in a right-of-way resulting from the removal or moving of the pavement, or dirt or other material; not a substructure opening.

FACILITY

Any pipe, pipeline, tube, main, service vent, vault, manhole, meter, regulator, valve, conduit, pole, line, cable, anchor, structure, or object of any kind, type, manner or character, whether listed herein or not, which is or may be lawfully constructed, left, placed or maintained upon, along, above, across, under or within the right-of-way.

MAINTENANCE

Repair of existing facility that does not include system rehabilitation.

METER REPLACEMENT

Replacement of an existing meter located within a County right-of-way.

PERMIT

A permit issued by the County pursuant to the terms and conditions of this Ordinance which allows the use of County right-of-way by utilities and other persons.

PERMITTEE

An applicant whose permit request has been approved and who holds a valid permit.

PERSON

Any individual, estate, trust, utility, receiver, association, subdivision of the state, cooperative, club, public or private corporation, company, firm, partnership, joint venture, syndicate, municipality or any other entity.

PUBLIC PLACE

All property owned by or maintained by the County, including, but not limited to, streets, highways, alleys, planes, sidewalks, plazas, parks, easements, curbs, and drainage ways, which constitute County right-of-way.

RIGHT-OF-WAY

See "public place."

RIGHT-OF-WAY ADMINISTRATOR

The individual designated by the County Manager to administer this Ordinance and the County right-of-way permit operation, to include, but not be limited to, the receipt, review, processing, approval or denial of permit applications, approval and denial of administrative variances and maintenance of County right-of-way records.

RIGHT-OF-WAY USE AGREEMENT

An agreement entered into between a utility or other person and the County for use of County right-of-way.

RIGHT-OF-WAY USE FEE

The fee paid by persons or utilities utilizing County right-of-way pursuant to the terms and conditions of this Ordinance.

SERVICE HOOK-UP

Any excavation, not exceeding the width of the affected County right-of-way, necessary to allow a single meter hook-up for a single property owner to tie into an existing utility line for the purpose of securing utility service, but does not include line extensions.

SUBSTRUCTURE

Any facility located below the surface of a County right-of-way.

SUBSTRUCTURE OPENING

An opening into a lawfully permitted substructure, the top of which is required to be flush with the adjoining surface within a County right-of-way, and which is constructed so as to permit frequent utilization, without requiring the removal of pavement, dirt, or other material, while maintaining the health, safety and welfare of the public.

TRENCHING

Installation of new facilities below ground level.

USE

Performance of work within and/or occupation of County right-of-way, including, but not limited to, the excavation of materials, boring, maintenance and checking of substructures and substructure openings; and/or the use of the right-of-way to place any facility thereon or therein.

UTILITY

A person, as defined in this Ordinance, whose primary function is the provision of certain services of a somewhat permanent nature to the public or third parties, which services include, but are not limited to, electrical, gas, water, wastewater, and telecommunications services. This does not include persons whose primary function is the provision of services of a more temporary nature to the public or third parties, which services include, but are not limited to, water provided for "fracking"/oil/gas production or removal of water that has been used for "fracking"/oil/gas production.

Permit applications; insurance; fees; issuance/denial; appeals.

- A. Any person or party wishing to obtain a permit from the County pursuant to this Ordinance must submit the following information to the Right-of-Way Administrator:
- 1) The name, telephone number, address, and place of business of the applicant and their engineers and/or contractors.
 - 2) A detail drawing and written description of the location and dimensions of the proposed use of the County right-of-way, including a plan view and cross-section view of the proposed use, which are sufficient to indicate the placement of any facilities or to locate the work to be performed. (Five complete sets shall be submitted for review.)
 - 3) The method by which the proposed use within the right-of-way will be accomplished, including an estimate of the amount of time required to complete any actual work to be performed within the right-of-way, including backfilling and removal of all obstructions, materials and debris, and restoration of the surface. The applicant's authority to use the County right-of-way shall be limited to the purposes and work plan specifically authorized by the permit.
 - 4) The purpose and function of any facility to be located within the right-of-way.
 - 5) All road crossings on paved roads shall be performed by boring rather than excavating, except where boring is not reasonably justified as determined by the County. In situations where the applicant wishes to perform a road crossing by excavation in lieu of boring, the applicant shall provide written justification therefor to the Right-of-Way Administrator. Some examples of conditions where boring may not be justified are lack of adequate room in the County right-of-way to operate boring equipment; boring on gravel or dirt roads.
- B. In all cases where the work to be done in the County right-of-way is to be done by a utility, the utility must be the applicant.
- C. The applicant shall be required to provide proof of adequate insurance in an amount satisfactory to the County indicating that the applicant has sufficient insurance to protect both the County and the applicant for any and all claims or damages arising out of bodily injury, including death, to any party, including the applicant, and his employees and agents and the County employees and agents, and from claims for damaged property, which may arise out of, or result from, the applicant's use of the County right-of-way, including completed or ongoing operations performed within the County right-of-way. At a minimum, the policy coverage and limits shall be those set forth in NMSA § 41-4-19. To simplify this requirement, utilities that operate in the County may file with the Right-of-Way Administrator a copy of the utility's master or applicable insurance policy which provides the above-delineated coverage. Such policies must be refilled yearly. The utility is obligated to provide the County with notice of cancellation of its policy, if that event should occur. The applicant must agree to defend, hold harmless, and indemnify the County and its officers, agents and employees against all claims, losses and damages to persons or property on account of or resulting from the intentional or negligent conduct on the part of the permittee in the

permittee's use of the County right-of-way, or any work, duties, or obligations performed pursuant to the terms of this Ordinance and the duly issued permit.

- D. No permit shall be issued until proof of adequate insurance has been provided by the applicant to the Right-of-Way Administrator. No permit shall be issued until the applicant signs agreements required by the County or its insurance carrier to signify the applicant's willingness and ability to defend, indemnify and hold the County harmless as required by this Ordinance.
- E. Upon receipt of the application, and, except as specifically hereinafter set forth, the nonrefundable application fee as set forth in this Ordinance, Fees and Permits, the County will review the request. The Right-of-Way Administrator will verify the information provided in the application and will process the application through relevant County departments. The application will be further reviewed to determine if it is consistent with the terms and conditions of this Ordinance and will not impact upon or impair other permitted uses or planned projects and is not detrimental to the health, safety and welfare of the public.
- F. The Right-of-Way Administrator will also review the work plan to determine whether the use of the right-of-way can be accomplished pursuant to the engineering and construction standards set forth in this Ordinance, and as may be amended and promulgated by the County in the future, and set forth in subsequent ordinances or resolutions.
- G. In most cases, within a maximum of 21 days of receipt of the completed application and nonrefundable application fee, the Right-of-Way Administrator will notify the applicant by e-mail, regular mail and/or by telephone of the acceptance or denial of the application. If the application has been approved, the applicant will be notified in writing of the terms and conditions of the permit, including the right-of-way usage fee. The permit will be valid only upon payment of all applicable fees. Where the proposed project is expansive or complex, as determined by the Right-of-Way Administrator, more than 21 days may be required. In that event, the Administrator will notify the applicant and will inform the applicant of the estimated additional time needed.
- H. Except as otherwise specifically provided for in this Ordinance, the fees for which are hereinafter set forth, usage fees shall be based upon the lineal feet of right-of-way to be used by the applicant.
 - 1) The fees for trenching and all uses of the right-of-way placed below ground level shall be as set forth in this Ordinance, Fees and Permits.
 - 2) The charge per lineal foot for placement of facilities in the right-of-way above ground level shall be as set forth in this Ordinance, Fees and Permits.
 - 3) If, concurrent with the installation of a new utility line, service connections are being made to customers from that new line, there will be no additional fee to be paid for each hookup. The fees paid for the permit and lineal-foot usage shall include those service connections.
- I. No fee shall be required for work within the County right-of-way performed at the request of the County for a County project, unless it is a County water or wastewater utility project where the County will be providing water or wastewater utility to customers who will pay fees and other charges to the County.
- J. Fees for service hook-ups shall be as set forth in this Ordinance, Fees and Permits. Service hook-ups do not require an additional application permit fee beyond the fees provided-for in this Subsection J. However, a permit must be secured.
- K. A maintenance/repair permit must be obtained by any utility or person for any maintenance or repair work to be done on its lines or facilities where excavation will be required into the County right-of-way to perform the maintenance or repair. The fee for said permit shall be as set forth in this Ordinance, Fees and Permits. Such maintenance/repair excavations may be subject to the provisions, reviews, inspection and testing provisions of this Ordinance. If the maintenance/repair excavation is to exceed 250 feet, then the full permit fee and the fee schedule per lineal foot provided for in Subsection H above shall apply in lieu of the permit fee. A maintenance/repair permit shall not require any fee beyond that set forth in this Subsection K. However, a permit must be secured. System rehabilitation is not considered maintenance/repair.

L. Exception to permit requirement.

- 1) Where a utility or other person wishes to replace or exchange a water, sewer, electric or other utility meter, a permit from the County will not be required if the following apply:
 - a. The meter is above ground, and there will be no impact on the County right-of-way.
 - b. The meter is underground and encapsulated in a manhole, but there will be no further impact on the County right-of-way.
 - c. The meter is underground, but will involve minimal ground disturbance, as determined by the Right-of-Way Administrator.
 - d. If the meter is underground and will involve substantial trenching or ground disturbance, as determined by the Right-of-Way Administrator, a maintenance/repair permit as provided for in Subsection K above is required.
2. If a permit is not required, it is still incumbent upon the utility to meet all other applicable standards and to inform the Right-of-Way Administrator of such work within 24 hours prior to work commencement.

M. For projects that will require a deviation from the nature, scope or amount of right-of-way use envisioned within this Ordinance, the County reserves the right to exact higher fees which will be mutually agreed upon by the County and the applicant.

N. As an alternative to payment up-front on each project for which it seeks a permit, a utility operating in the County may establish a credit account with the County under which it would be billed monthly for charges incurred in the previous month, with payment due within 30 days after billing. This credit arrangement may be withdrawn by the County in the event that a utility becomes delinquent in its payments to the County or in the event that a utility continues to be in violation of this Ordinance after notice of violation. If the County is required to commence litigation against a utility to collect unpaid and delinquent balances, the County shall have the rights and remedies available to it by New Mexico statute, including the award of prejudgment interest and of attorney fees.

O. Further, a utility involved in a project which is being funded by state or federal grants and/or loans may apply for a permit without the up-front payment of fees upon a showing that the permit needs to be acquired as a condition of approval and/or receipt of the public funding. In such a case, payment of the fees due the County will be deferred until the public funds are available for the project.

P. An applicant may appeal the denial of a permit to the Board of County Commissioners pursuant to the procedures set forth in Appeals, of this Ordinance.

Q. Fees and Permits

Fees and Permits For Above Ground Use of County Right-of-Way

1. Fees:

(a) Non-refundable application fee for initial application and any renewal thereof: \$500.00.

(b) Initial 90-day (or portion thereof) permit: \$1,000.00.

(c) Second 90-day(or portion thereof) permit: \$2,400.00 per mile or portion thereof.

(d) Third 90-day (or portion thereof) permit: \$7,200 per mile or portion thereof.

(e) No initial permit by the same person, or agent thereof, may be approved for the same route for 210 days.

2. Insurance requirements:

(a) Personal injury/property damage. Limits of no less than \$1,000,000 per occurrence.

(b) Coverage for pollution, including sudden and accidental spills, with limits of no less than \$1,000,000 per occurrence.

3. Agreement to defend, hold harmless, and indemnify Lea County. The application form for these permits shall include a provision that the applicant agrees to defend, hold harmless, and indemnify Lea County for any claim of any type arising from applicant's use of the County right-of-way.

Fees and Permits other than above ground

6. Application for use of County right-of-way \$200.00

7. Usage fee:

Trenching and uses below ground level:

12 inches by 36 inches to 24 inches by 48 inches \$0.15/lineal foot

Greater width and depth \$0.20/lineal foot

Placement of facilities above ground level:

First 90 lineal feet Minimum of \$150.00

More than 90 lineal feet \$1.50/lineal foot

8. Service hook-ups

No pavement cut necessary \$100.00

Pavement cut necessary \$150.00

9. Maintenance/Repair permit \$150.00

Excavation to exceed 250 feet \$250.00, plus usage

10. Reinstatement of suspended permit \$250.00

11. Appeal from decision of Right-of-Way Administrator \$100.00

Conditions of use of right-of-way.

A. Except as otherwise provided in this Ordinance, no utility may commence any use of the County right-of-way unless and until a permit for such use is first obtained from the County. Ordinarily, permits shall be valid for 90 days. However, if a longer period of time is necessary, the permittee may submit a written request for additional time justifying the additional requested time.

B. A permit shall be required for any use of a County right-of-way, including but not limited to excavation within the right-of-way, boring of any substructure opening, aerial use of a County right-of-way, or placement of any facility within a County right-of-way.

C. It shall be unlawful for any person or party to use a County right-of-way without first securing a permit from the County and complying fully with all the provisions of this Ordinance, and any related regulations that may be adopted by the County.

D. All utility construction and road restoration shall be in accordance with the Lea County Standard Specifications for Road Construction in effect at the time of application. The County may promulgate and adopt such further additional rules and regulations as may be required to fully

implement this Ordinance. Copies of such rules and regulations shall be available to applicants at the County Clerk's office. In addition, all work shall be performed in accordance with state and federal requirements including but not limited to OSHA.

- E. The permittee is required to correct substandard work or work performed with defective materials and/or workmanship, as directed by the Right-of-Way Administrator. The permittee must restore the street subbase, base and surface to its original condition upon completion of the work within the right-of-way. Upon failure of the permittee to begin repairs within 24 hours after written notice by the County and to complete the required work within a reasonable time, as determined by the County, the County shall cause such work to be done and the cost thereof charged to the permittee. In addition, the County may declare the permittee to be in default of the terms of the permit, and take steps pursuant to this Ordinance to suspend the permit.
- F. The permittee must take appropriate measures to maintain safe and adequate passage of vehicle and pedestrian traffic as required by the County while performing any work within the right-of-way.
- G. In the event the permittee causes damage to existing utilities or facilities located within the right-of-way, including pipe coating or other encasement or devices, the permittee must notify the Right-of-Way Administrator or his designee and the owner of the damaged facility immediately, and take immediate steps to arrange for the repair of the damage. The permittee is responsible for the cost of said repairs. Further, the County may declare the permittee to be in default of the terms of the permit and may take steps pursuant to this Ordinance to immediately suspend the permit.
- H. The permittee is responsible for the proper installation of any diversion or ponding devices necessary for protection of property and structures, and shall be responsible for repair or payment of damages caused to property or structures by the permittee's failure to properly provide such devices.
- I. Prior to making any excavation or paving cut, the permittee shall adequately barricade the area to be excavated and shall adequately provide light devices at night in compliance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Barricading and lighting shall be maintained by the permittee until all work has been finished, including the replacement of paving.
- J. After completing excavation within the right-of-way, the permittee shall install all facilities at least 36 inches below the road surface, or deeper, if necessary, to meet the more stringent requirements of other governmental agencies or County ordinances. All parallel and lateral depths shall be a minimum of 36 inches beneath ground surface.
- K. Ditches paralleling County roads that exceed 350 feet in length shall not be left open for more than 72 hours, unless for good cause shown the Right-of-Way Administrator permits a longer period of time.
- L. All material excavated must be piled and maintained so as not to endanger the public health, safety and welfare. In order to expedite flow of traffic and to keep dirt and dust from spreading or flying; the permittee shall use guards or other methods and/or shall water the excavation material. The permittee shall remove all rubbish, excess earth, rock and other debris resulting from excavation work immediately upon completion of backfilling as required by this Ordinance. If the permittee fails to do the required work, the County has the option, but not the obligation, to cause the work to be performed and to charge the cost of the work to the permittee.
- M. Unless specifically exempted in writing, any person who trenches or excavates within the right-of-way for any purpose is required to backfill the trench or excavation as follows:
 - 1) All trenches and ditches will be backfilled and compacted.
 - 2) In all trenches and excavations, the material used in backfilling must consist of the original, excavated material or other similar material, in a finely divided form free from large lumps, large stones, rocks, pieces of old concrete, or asphalt pavement or large or wet gummy masses, and must be placed and compacted to the top of the trench or excavation. Compaction shall be in conformance with specifications of AASHTO, T-180 (American Association of State Highway and Transportation Officials) to 95% maximum density.

3) Backfill and compaction inspections shall be made by the permittee. The County reserves the right to perform additional inspections and/or testing at its own cost. In the event the compacted backfill fails to meet the density requirements of this Ordinance, or otherwise fails as evidenced by settlement of the trench or excavation, the County will notify the permittee in writing and the permittee will correct the defect within 72 hours, and the permittee is responsible for the cost of the failed test, which cost shall be in addition to the right-of-way use fees provided for herein. If the permittee fails to correct the situation, the County has the option but not the obligation to order the work performed to meet the required density specified herein. The County may also order the replacement of all pavement destroyed or damaged as a result of the backfill failure settlement. The costs incurred by the County shall be paid by the permittee.

- a. Testing shall be conducted by the permittee on every lift up to and per 250 lineal feet thereafter of material disturbed. Lifts shall be 12 inches to 18 inches in depth and/or of sufficient depth to obtain required density.
- b. Prior to any testing of compacted backfill, the permittee shall inform the County within 24 hours of the scheduled testing.
- c. All testing certificates shall contain the following minimum information: date, location, percentage compaction, permit number and other information applicable to the task. Testing certificates shall be furnished to the County within five working days of completion of the testing.
- d. Testing shall be accomplished by a certified independent testing laboratory.

N. The standard utility requirements are as follows:

- 1) Water lines shall be installed within the right-of-way parallel to the edge of pavement on the east or north side of the right-of-way outside the paved area at a minimum of three feet beyond the edge of the pavement.
- 2) Gas lines shall be installed within the right-of-way parallel to the edge of pavement on the west or south side of the right-of-way outside the paved area at a minimum of three feet beyond the edge of pavement.
- 3) Sewer lines shall be located within easements on the west or south side of the right-of-way on newly platted subdivisions or along the center line of the right-of-way on existing roadways if an easement does not exist.
- 4) Water lines and gas lines shall in all cases be separated from sewer lines by a minimum of 10 feet and all other underground lines (including other existing water and gas lines) by a minimum of five feet.
- 5) Each sewer, water, and gas line shall in all cases be placed in its own separate trench.
- 6) The utility separations as specified above shall also cover back-lot easements or other easements as required. Easements shall be wide enough to allow for utility separations as specified above, with all utilities being at least five feet inside the edge of the easement.
- 7) Where used, fire hydrants shall be located no closer than 18 inches to the right-of-way boundary within the right-of-way and as far as possible from the edge of pavement.
- 8) All valves and manholes shall have a concrete collar placed at finish grade if located within a paved surface and no less than 12 inch below the surface if located in an area where no paving exists.
- 9) Water, sewer and gas mains shall be marked with tracing/warning tape installed above the pipe, 15 inches below the top of the trench in the case of gas and water, and 12 inches below the top of the trench in the case of sewer.

- 10) The tracing tape to be buried over all lines throughout their entire lengths shall have the following specifications:
 - a. Tape shall be three inches wide and shall consist of one layer of metalized foil laminated between two layers of inert plastic film.
 - b. Laminated bonding that can be separated by hand is not acceptable.
 - c. Tape shall be a minimum of five mils thick with a minimum tensile strength of 84 pounds per three-inch-wide strip.
 - d. Tape shall be imprinted with a continuous warning message repeated a minimum of every 30 inches as follows:
 - i. Yellow colored tape: "Caution Gas Line Buried Below."
 - ii. Blue colored tape: "Caution Water Line Buried Below."
 - iii. Green colored tape: "Caution Sewer Line Buried Below."
 - e. Tape shall be inductively locatable and conductively traceable using a standard pipe and cable locating device for a minimum of eight years after direct burial.
 - f. Test results showing a minimum of eight years' life and full compliance with these specifications and a sample of the tape may be required to be furnished to the Right-of-Way Administrator.
- 11) Replacement of pavement, when necessary, shall follow the backfill by not more than three days or not more than 1,000 lineal feet.
- 12) Gas lines shall at all times be separated from any other parallel underground line by a minimum of 10 feet and shall in all cases be placed in their own separate trench. When crossing other underground lines, there shall be a minimum clearance of 18 inches between the gas line and the line being crossed. The minimum specified gas line depth (cover) shall in all cases be maintained.
- 13) Thrust, anchorage, support and encasement:
 - a. At points where the vertical or horizontal hydraulic thrust exceeds the resisting capacity of a single pipe joint and at cast-iron fitting and valves, place concrete anchor blocks, thrust blocks, concrete supports, or concrete encasement in a manner that will counteract the thrust or transfer the thrust from the pipe or fitting to ground which will not yield.
 - b. Place concrete in a manner that will leave rubber ring joints free to permit minor deflection, except where extended encasement is called for. Before placing concrete encasement, wrap PVC pipe with a layer of building felt or with polyethylene wrap to prevent bond and the possible transmission of cracks from the encasement to the pipe.
 - c. When the ground is soft and cannot be compacted to resist the thrust from the pipe or fitting to unyielding ground, an increase in the amount of concrete, or the bearing area, shall be made. Do not weaken the supporting soil by permitting water in the trench.
 - d. Use concrete of a minimum of 3,000 psi compressive strength design for anchor and thrust blocks and encasement, and where reinforcement is shown, use deformed billet steel, conforming to ASTM A615, Grade 40.
- 14) Protection of equipment. Equipment that is part of the facility (risers, control boxes, hydrants, etc.) may be protected from impact as long as the impact upon the protection device is not greater than the impact if the protection device is not in place.

- 15) Public convenience and access.
- a. The permittee shall conduct and schedule his work at all times so that a minimum of obstructions to traffic and other inconveniences to the public occurs. The testing, purging, transfer of service, chlorination of lines, and backfill of each section of line shall follow the installation within a reasonable time.
 - b. Where the pipeline routes cross secondary streets, the excavation shall be backfilled to provide a roadway prior to the end of the work day. Construction by open excavation across major streets and thoroughfares shall be carried and completed to approximately the roadway center line and the trench backfilled prior to excavation across the remaining roadway section so that traffic will not be interrupted.
 - c. The permittee shall provide and set barricades and flashing lights along all open excavations and at points where the construction operation creates hazards to the public. Spacing of barricades and lights shall be adequate to insure the public a warning of the hazard, and shall be in compliance with the directions of the Manual on Uniform Traffic Control Devices and all other County, state and federal regulations. Flares and/or lights shall be kept burning from sunset to sunup. Barricades shall be painted and fitted with reflective paint and reflectors, respectively, to increase visibility, in compliance with requirements of the latest edition of the MUTCD.
- 16) Wire utilities shall be placed no farther than five feet from the edge of the right-of-way on the east and/or north side of the center line of the right-of-way.
- 17) It shall be the responsibility of the applicant to properly conduct a construction survey and to determine the limits of the Lea County right-of-way prior to any excavation.
- O. The County may make any and all inspections and random tests as it deems necessary to enforce the terms and conditions of this Ordinance. Acceptance or approval of ditching, excavation, backfilling, and restoration of surface by the County does not prevent the County from asserting claims against the permittee for incomplete or defective workmanship or materials. The presence or absence of a representative of the County during the performance of the work does not relieve the permittee of his/her responsibilities hereunder.
- P. The permittee shall have available the original or a photocopy of the permit on site at all times during construction.
- Q. The permittee is required to notify the Right-of-Way Administrator to advise it of the commencement date of construction at least 24 hours prior to commencement. In addition, the permittee is required to notify the Administrator within 24 hours of completion of construction to arrange for a final County inspection. Within 30 days of completion of construction, the permittee shall furnish the County a complete set of vellum as-built drawings, with the permit number on the drawings.

Relocation of facilities.

In the event changes are made in the County right-of-way that necessitate relocation of any installation or facility, the affected utilities will receive written notice from the County and are required to contact the Right-of-Way Administrator to coordinate relocation of their facilities. Relocation of the facilities shall be completed by the utilities within a reasonable time, usually 60 days. The expense of the relocation shall be borne by the requesting party or the party at fault or pursuant to terms and conditions mutually acceptable to the County and the utilities, unless other non-County funds are available to pay utility relocation expenses.

Alternative to permit process: right-of-way use agreement.

- A. As an alternative to complying with all of the permit procedures set forth herein, a person or utility may enter into a comprehensive agreement with the Board of County Commissioners for the purpose of coordinating the person or utility's use of County right-of-way in multiple and various locations and, in some circumstances, for varying purposes. This agreement would eliminate the requirement for payment of right-of-way fees for each distinct and separate pipe, or location, or use of County right-of-way. However, the permittee shall comply with all other requirements for use of County right-of-way set forth herein, including making application for a permit.
- B. Except where there is a need for individualization based on the type of utility involved, the terms and conditions of the right-of-way agreement, including fees therefor, and standards will be common for all. The term of a right-of-way agreement shall not exceed 25 years.

Penalty; enforcement.

Pursuant to NMSA § 4-37-3, a violation of this Ordinance shall be punishable by a fine of three hundred dollars (\$300) or imprisonment for ninety (90) days or both the fine and imprisonment. In addition, the County may pursue other legal and equitable remedies allowed by law, including injunctive relief, in cases of unauthorized use of County right-of-way by any utility or person. See also, Treble fees below.

Emergency use of right-of-way.

In the event of any emergency which threatens the health, safety or welfare of the public, use of the County right-of-way may be commenced without first obtaining a permit, provided that the utility making the emergency use files such application for a permit, as required by this Ordinance, during the first working day immediately following the date of commencement of the emergency use.

Variances.

- A. Administrative. The County Right-of-Way Administrator, upon written application therefor, shall have the authority to grant administrative variances from the technical standards provided for in this Ordinance upon a demonstrated showing that a strict application of the established technical standards is impractical or not feasible because:
 - 1) There is insufficient room within the County right-of-way to meet standards; or
 - 2) Adherence to the standards would be incompatible with the nature or placement of facilities presently existing in the County right-of-way to be used; or
 - 3) Adherence to standards is not reasonably-justified based on other factors, to include, but not limited to, extent of proposed project, physical conditions of the County right-of-way or physical hardship; and that the variation in standards proposed by the applicant/permittee will not result in an inferior work product.
- B. Appeals from variance denials shall be pursuant to Appeals, of this Ordinance.
- C. There will be no variances from the required fees.

Treble fees; removal of unlawful facilities.

Except as provided for in this Ordinance, if a utility or person commences use of a County right-of-way or work within the right-of-way for which a permit would be required pursuant to the terms of this Ordinance prior to the use being made, the County may require the payment of treble the amount of application and lineal fees that would have been charged absent the unauthorized commencement of use of the right-of-way. The payment of treble fees shall not relieve any such utility or person from complying with all of the requirements of this Ordinance, including the filing of an application for use of the right-of-way and County review for approval or denial. In the alternative, the County, in its sole discretion, may require the unauthorized user to remove the facilities unlawfully placed in the right-of-way.

Subdivision exclusions for fees.

Permits, or the payment of application or lineal fees, will not be required for use of right-of-way within a subdivision which has been platted and approved by the County pursuant to the terms of the County's zoning and subdivision regulations provided that the appropriate fees have been paid to the County in full, as required by the aforementioned Ordinances. The technical standards of this Ordinance are, however, applicable to utility use of County right-of-way within a subdivision.

Conflict with other provisions.

In the event the terms and/or the conditions of this Ordinance conflict with those found in any other County or local ordinance, or state or federal statute or regulation, the more stringent terms and/or conditions shall apply.

Suspension of permit.

- A. The County reserves the right to suspend a permit for noncompliance by the permittee with the technical standards of this Ordinance or the terms of the permit. Immediate suspension of the permit may occur in circumstances where the County determines that a dangerous condition has been created by the permittee's noncompliance with the terms of this Ordinance or the permit, which condition would threaten the health, safety or welfare of the public.
- B. In situations where the permittee's noncompliance with the terms of this Ordinance or the permit does not create an immediate threat to the health, safety or welfare of the public, the County will notify the permittee in writing of the noncompliance, and will allow the permittee five days to demonstrate compliance. In the event the permittee fails to comply and fails to cease work, the County may seek injunctive relief to prevent the continued unauthorized use of its right-of-way.
- C. A permit, once suspended, may be reinstated by the County upon a showing of compliance by the permittee, along with payment of a reinstatement fee as set forth in this Ordinance, Fees and Permits.
- D. Permittees may appeal suspensions of permits to the Board of County Commissioners, which appeal will be considered at a public hearing of the Board pursuant to the procedures set forth in Appeals of this Ordinance.

Time extensions for permit.

Upon written application to the Right-of-Way Administrator, and for good cause shown, or upon the Administrator's own initiative, the permittee may be granted, in writing, an extension of time for which the permit will be valid in order to allow the permittee more time to complete the permitted project.

Appeals.

An applicant or permittee shall have the right to appeal an adverse decision of the Right-of-Way Administrator on any matter. All such appeals shall be made in writing to the County Manager or his designee no later than 10 days after receipt of written notice to the applicant, permittee or other person of an adverse decision and must be accompanied by a nonrefundable appeal fee as set forth in this Ordinance, Fees and Permits. Appeals shall be heard at a public meeting of the Board of County Commissioners within 45 days of the filing of a written appeal and shall be quasi-judicial in nature. A decision of the Board of County Commissioners adverse to the applicant or permittee may be taken by the applicant or permittee to the state district court pursuant to state district court rules of procedure. The decisions of the Board of County Commissioners shall be based upon findings of fact.

When effective; geographic scope.

This Ordinance shall be effective 30 days after its adoption and enactment by the Board of County Commissioners and the filing of the signed original ordinance with the County Clerk. It shall be effective within the geographical limits of Lea County outside the boundaries of all incorporated municipalities.

Agricultural and individual use exemption.

- A. The payment of fees for non-utility, non-business agricultural uses of County right-of-way shall be waived. However, these agricultural uses of County right-of-way shall comply with all other terms and provisions of this Ordinance, including but not limited to compliance with the permit application process and technical standards.
- B. Uses of County right-of-way by individuals for such purposes as driveways, curb cuts, sidewalks, and other similar improvements, that are non-utility, non-business related, are exempt from all of the requirements of this Ordinance. However, such uses are not exempted from other relevant County ordinances and resolutions.

Grandfather clause.

The provisions of this Ordinance shall apply to the present use of County right-of-way by a utility or other person where such use was in place prior to the effective date of this Ordinance. Such utilities or other persons shall have no more than 180 days to become compliant with the terms and conditions of this Ordinance.

Notices.

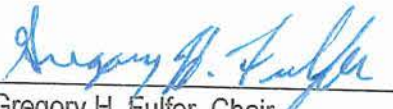
All notices required to be delivered to the County pursuant to this Ordinance shall be sent, certified mail, to the following:


County Manager Lea County
100 N. Main St., Suite 4
Lovington, New Mexico 88260

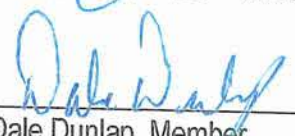
County Right-of-Way Administrator
5915 North Lovington Highway
Hobbs, New Mexico 888240


PASSED, APPROVED, SIGNED AND ADOPTED this 23rd day of April, 2014

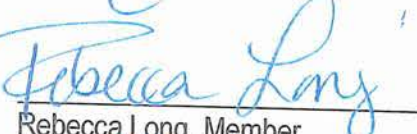
LEA COUNTY BOARD OF COUNTY COMMISSIONERS


Gregory H. Fulfer, Chair
Voted: ☒ Yes ☐ No ☐ Abstain


Ron R. Black, Vice Chair
Voted: ☒ Yes ☐ No ☐ Abstain


Dale Dunlap, Member
Voted: ☒ Yes ☐ No ☐ Abstain


James H. Britton, Member
Voted: ☒ Yes ☐ No ☐ Abstain

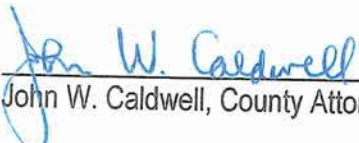

Rebecca Long, Member
Voted: ☒ Yes ☐ No ☐ Abstain



ATTEST: Pat Chappelle
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: 
Kelli Williams, Deputy

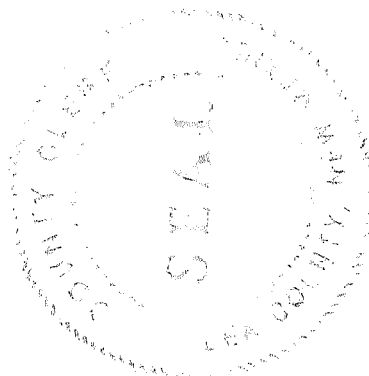

John W. Caldwell, County Attorney

34381

STATE OF NEW MEXICO
COUNTY OF LEA
FILED

APR 23 2015

at 2:57 o'clock PM
and recorded in Book _____
Page _____
Pat Chappelle, Lea County Clerk
By A Beauchamp Deputy





State of New Mexico

RECEIVED
18 MAR -7 AM 9:44
OFFICE OF
SECRETARY OF STATE

Susana Martinez
Governor

March 7, 2018

SENATE EXECUTIVE MESSAGE NO. 93

The Honorable Mary Kay Papen, President Pro Tempore and
Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Honorable President Pro Tempore Papen and Members of the Senate:

I have this day SIGNED SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 14, enacted by the Fifty-Third Legislature, Second Session, 2018.

Respectfully yours,

Susana Martinez
Governor

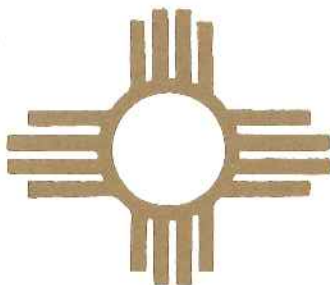
RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 9:44 a.m. p.m.
Date: march 7th, 2018

By [Signature]
Secretary of State

Time: _____ a.m. p.m.
Date: _____, 2018

By _____
Chief Clerk of the Senate



The Legislature
of the
State of New Mexico

53rd Legislature, 2nd Session

LAWS 2018

CHAPTER 69

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

SENATE BILL 14

Introduced by



CHAPTER 69

AN ACT

RELATING TO TELECOMMUNICATIONS; ENACTING THE WIRELESS
CONSUMER ADVANCED INFRASTRUCTURE INVESTMENT ACT; ESTABLISHING
PROVISIONS FOR THE DEPLOYMENT OF CELLULAR NETWORK NODES IN
PUBLIC RIGHTS OF WAY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the
"Wireless Consumer Advanced Infrastructure Investment Act".

SECTION 2. DEFINITIONS.--As used in the Wireless
Consumer Advanced Infrastructure Investment Act:

A. "antenna" means communications equipment that
transmits or receives electromagnetic radio frequency signals
and that is used to provide wireless services;

B. "applicable codes" means uniform building,
fire, electrical, plumbing or mechanical codes adopted by a
recognized national code organization and enacted by the
authority, including the local amendments to those codes
enacted by the authority solely to address imminent threats
of destruction of property or injury to persons, to the
extent that those amendments are consistent with the Wireless
Consumer Advanced Infrastructure Investment Act;

C. "applicant" means a wireless provider that
submits an application;

D. "application" means a request submitted by an

1 applicant to an authority for a permit to collocate one or
2 more small wireless facilities or to approve the
3 installation, modification or replacement of a utility pole
4 or wireless support structure;

5 E. "authority" means a municipality or county;

6 F. "authority utility pole" means a utility pole,
7 owned or operated by an authority, in a right of way;

8 G. "collocate" means to install, mount, maintain,
9 modify, operate or replace one or more wireless facilities
10 on, in or adjacent to a wireless support structure or utility
11 pole;

12 H. "communications service" means cable service as
13 defined in 47 U.S.C. Section 522(6), information service as
14 defined in 47 U.S.C. Section 153(24), mobile service as
15 defined in 47 U.S.C. Section 153(33), telecommunications
16 service as defined in 47 U.S.C. Section 153(53) or wireless
17 service other than mobile service;

18 I. "fee" means a one-time charge;

19 J. "law" includes federal, state or local law;

20 K. "permit" means the written permission of an
21 authority for a wireless provider to install, mount,
22 maintain, modify, operate or replace a utility pole or to
23 collocate a small wireless facility on a utility pole or
24 wireless support structure;

25 L. "person":

1 (1) means an individual, corporation,
2 limited liability company, partnership, association, trust or
3 other entity or organization; and

4 (2) includes an authority;

5 M. "private easement" means an easement or other
6 real property right given for the benefit of the grantee of
7 the easement and the grantee's successors and assigns;

8 N. "rate" means a recurring charge;

9 O. "right of way":
10

(1) means the area on, below or above a
11 public roadway, highway, street, sidewalk, alley or utility
12 easement; and

13 (2) does not include the area on, below or
14 above:

15 (a) a federal interstate highway;

16 (b) a state highway or route under the
17 jurisdiction of the department of transportation;

18 (c) a private easement; or

19 (d) a utility easement that does not
20 authorize the deployment sought by a wireless provider;

21 P. "small wireless facility" means a wireless
22 facility whose:

23 (1) antennas are, or could fit, inside an
24 enclosure with a volume of six or fewer cubic feet; and

25 (2) other ground- or pole-mounted wireless

1 equipment, not including the following, is twenty-eight or
2 fewer cubic feet in volume:

- 3 (a) electric meter;
- 4 (b) concealment elements;
- 5 (c) telecommunications demarcation box;
- 6 (d) grounding equipment;
- 7 (e) power transfer switch;
- 8 (f) cutoff switch;
- 9 (g) vertical cable runs for the
10 connection of power and other services; and

11 (h) elements required by an authority
12 in accordance with Subsection H of Section 3 of the Wireless
13 Consumer Advanced Infrastructure Investment Act;

14 Q. "utility pole":

15 (1) means a pole or similar structure used
16 in whole or in part for communications services, electricity
17 distribution, lighting or traffic signals; and

18 (2) does not include a wireless support
19 structure or electric transmission structure;

20 R. "wireless facility":

21 (1) means equipment at a fixed location that
22 enables wireless communications between user equipment and a
23 communications network, including:

24 (a) equipment associated with wireless
25 communications; and

1 (b) radio transceivers, antennas,
2 coaxial or fiber-optic cables, regular and backup power
3 supplies and comparable equipment, regardless of
4 technological configuration;

5 (2) includes a small wireless facility; and

6 (3) does not include:

7 (a) the structure or improvements on,
8 under or within which the equipment is collocated;

9 (b) a wireline backhaul facility,
10 coaxial cable or fiber-optic cable between wireless support
11 structures or utility poles; or

12 (c) coaxial or fiber-optic cable
13 otherwise not immediately adjacent to, or directly associated
14 with, an antenna;

15 S. "wireless infrastructure provider" means a
16 person, other than a wireless services provider, that may
17 provide telecommunications service in New Mexico and that
18 builds or installs wireless communications transmission
19 equipment, wireless facilities' utility poles or wireless
20 support structures;

21 T. "wireless provider" means a wireless
22 infrastructure provider or wireless services provider;

23 U. "wireless services" means services provided to
24 the public that use licensed or unlicensed spectrum, either
25 mobile or at a fixed location, through wireless facilities;

1 V. "wireless services provider" means a person
2 that provides wireless services;

3 W. "wireless support structure" means a
4 freestanding structure, including a monopole or guyed or
5 self-supporting tower, but not including a utility pole; and

6 X. "wireline backhaul facility" means a facility
7 used to transport services by wire from a wireless facility
8 to a network.

9 SECTION 3. WIRELESS PROVIDER--USE OF RIGHT OF
10 WAY--RATES, FEES AND TERMS--RIGHT TO ACCESS--DAMAGE AND
11 REPAIR.--

12 A. This section applies to the activities of a
13 wireless provider within a right of way.

14 B. An authority shall not enter into an exclusive
15 agreement with a wireless provider for the use of a right of
16 way in:

17 (1) constructing, installing, maintaining,
18 modifying, operating or replacing a utility pole; or

19 (2) collocating a small wireless facility on
20 a utility pole or wireless support structure.

21 C. An authority may charge a wireless provider a
22 rate or fee for the provider's use of a right of way in
23 constructing, installing, maintaining, modifying, operating
24 or replacing a utility pole, or in collocating a small
25 wireless facility, in the right of way only if:

1 (1) the authority otherwise may, under law,
2 charge the rate or fee;

3 (2) the authority charges other
4 communications service providers for their use, if any, of
5 the right of way; and

6 (3) the rate or fee:

7 (a) is competitively neutral as
8 compared to other users, if any, of the right of way, unless
9 the other users are exempt under law from paying a rate or
10 fee for their use of the right of way;

11 (b) is not in the form of a franchise
12 or other fee based on revenue or customer counts;

13 (c) is reasonable and
14 nondiscriminatory; and

15 (d) annually, does not exceed an amount
16 equal to two hundred fifty dollars (\$250) multiplied by the
17 number of small wireless facilities placed by the wireless
18 provider in the right of way and in the authority's
19 jurisdiction.

20 D. An authority may adjust the rate it charges for
21 the use of a right of way, but no more often than once a year
22 and by no more than an amount equal to one-half the annual
23 change, if any, in the most recent consumer price index for
24 all urban consumers for New Mexico, as published by the
25 United States department of labor. An authority that adjusts

1 that rate shall notify all wireless providers charged the
2 pre-adjusted rate of the prospective adjustment and shall
3 make the adjustment effective sixty days or more following
4 that notice.

5 E. Except as otherwise provided in the Wireless
6 Consumer Advanced Infrastructure Investment Act, and subject
7 to the approval of an application as provided in Section 4 of
8 that act, a wireless provider may collocate small wireless
9 facilities and construct, install, modify, mount, maintain,
10 operate and replace utility poles associated with the
11 collocation of a small wireless facility along, across, on or
12 under the right of way.

13 F. If a wireless provider or the provider's
14 contractor causes damage to the authority's property or right
15 of way while the provider or contractor occupies, installs,
16 repairs or maintains a small wireless facility, wireless
17 support structure or utility pole in the right of way, the
18 authority may require the provider to return the property to
19 its pre-damage condition according to the authority's
20 requirements and specifications if the requirements and
21 specifications are competitively neutral and reasonable and
22 upon written notice of the requirement to the provider. If
23 the provider does not, within a reasonable period after
24 receiving the notice, repair the property as required by the
25 authority, the authority may make the repairs and charge the

1 provider the reasonable, documented cost of the repairs.

2 G. A wireless provider that deploys a utility pole
3 or small wireless facility in a right of way shall construct,
4 maintain and locate it so as not to obstruct or hinder the
5 usual travel on, or endanger the public in, the right of way,
6 damage or interfere with another utility facility in the
7 right of way or interfere with another utility's use of its
8 facility in the right of way. In constructing and
9 maintaining its utility pole or small wireless facility, the
10 wireless provider shall comply with the national electrical
11 safety code and all applicable laws for the protection of
12 underground and overhead utility facilities. An authority
13 shall treat a wireless provider's utility poles and small
14 wireless facilities in a right of way as it does the
15 facilities, if any, of other utilities in the right of way;
16 however, the authority may adopt reasonable regulations
17 concerning the separation of the wireless provider's utility
18 poles and small wireless facilities from other utility
19 facilities in the right of way to prevent damage to, or
20 interference with, the facilities or to prevent interference
21 with a utility's use of its facility or facilities in, or to
22 be placed in, the right of way.

23 H. Subject to Subsection E of Section 4 of the
24 Wireless Consumer Advanced Infrastructure Investment Act, an
25 authority may require, as they pertain to small wireless

1 facilities located in design districts or historic districts,
2 reasonable, technically feasible, non-discriminatory and
3 technologically neutral design or concealment measures and
4 reasonable measures for conforming to the design aesthetics
5 of design districts or historic districts, as long as the
6 measures do not have the effect of prohibiting a wireless
7 provider's technology. As used in this subsection:

8 (1) "design district" means an area zoned or
9 otherwise designated by municipal ordinance and for which a
10 municipality maintains and uniformly enforces unique design
11 and aesthetic standards; and

12 (2) "historic district" means a group of
13 buildings, properties or sites that fall within the category
14 defined in 47 C.F.R. 1.1307(a)(4) and are:

15 (a) listed in the national register of
16 historic places or formally determined eligible for listing
17 in that register by the keeper of the register in accordance
18 with the nationwide programmatic agreement found in 47 C.F.R.
19 Part 1, Appendix C; or

20 (b) designated as a historic district
21 in accordance with the Historic District and Landmark Act.

22 I. Without the authority's discretionary and
23 written consent, which the authority shall give in a
24 nondiscriminatory way, a wireless provider shall not install
25 a new utility pole in a right of way adjacent to a street or

1 thoroughfare that is:

2 (1) fifty feet wide or less; and

3 (2) adjacent to single-family residential
4 lots or other multifamily residences or to undeveloped land
5 designated for residential use by zoning or deed
6 restrictions.

7 J. A wireless provider that installs a new utility
8 pole or small wireless facility in a right of way as
9 described in Subsection H of this section shall comply with
10 applicable private deed restrictions and other private
11 restrictions affecting the area.

12 K. A wireless provider shall notify an authority
13 in writing of its intention to discontinue its use of a small
14 wireless facility or utility pole. The notice shall inform
15 the authority of the time and the way in which the wireless
16 provider intends to remove the small wireless facility or
17 utility pole. The wireless provider is responsible for the

18 costs of the removal. The authority may require the wireless
19 provider to return the property to its pre-installation
20 condition according to the authority's reasonable and
21 nondiscriminatory requirements and specifications. If the
22 wireless provider does not complete the removal within
23 forty-five days after the notice, the authority may complete
24 the removal and assess the costs of removal against the
25 wireless provider. The permit for the small wireless

1 facility or utility pole expires upon removal.

2 SECTION 4. COLLOCATION OF A SMALL WIRELESS
3 FACILITY--PERMITS--APPLICATION--FEE.--

4 A. This section applies to a wireless provider's
5 collocation activities within a right of way.

6 B. An authority may prohibit, regulate or charge
7 for the collocation of a small wireless facility only as
8 provided in this section and Sections 3, 6 and 7 of the
9 Wireless Consumer Advanced Infrastructure Investment Act.

10 C. A small wireless facility collocated on a
11 utility pole or wireless support structure that extends ten
12 or fewer feet above the pole or structure in a right of way
13 in any zone is classified as a permitted use and is not
14 subject to zoning review or approval.

15 D. An authority may require an applicant to obtain
16 one or more permits to collocate a small wireless facility in
17 a right of way if the requirement is of general applicability
18 to users of the right of way. An applicant seeking to
19 collocate, within an authority's jurisdiction, up to
20 twenty-five small wireless facilities, all of which are
21 substantially the same type, on substantially the same types
22 of structures may file a consolidated application for the
23 collocation of the facilities. An applicant shall not file
24 with an authority more than one consolidated application in
25 any five-business-day period. The applicant shall include in

1 a consolidated application an attestation that, unless a
2 delay in collocation is caused by the lack of commercial
3 power or fiber at the site, the collocation will begin within
4 one hundred eighty days after the permit issuance date. The
5 authority and the provider may subsequently agree to extend
6 that period.

7 E. An authority shall:

8 (1) without bias, accept and process
9 applications and issue permits to collocate small wireless
10 facilities;

11 (2) within thirty days after receiving an
12 application, determine and notify the applicant of whether
13 the application is complete and:

14 (a) for an incomplete application,
15 specifically identify the information missing from it; and

16 (b) deem the application complete if
17 the applicant is not notified within the thirty-day period;

18 (3) within ninety days after receiving a
19 completed application, approve or deny it and deem the
20 application approved if that approval or denial is not given
21 within the ninety-day period. The authority may request an
22 extension of the ninety-day period, and the authority and
23 applicant may agree to extend that period. An applicant
24 shall not unreasonably deny an authority's request to extend
25 the period;

1 (4) approve a completed application unless
2 the application does not conform with:

3 (a) applicable codes or local laws
4 concerning: 1) public safety; 2) design for utility poles,
5 but only to the extent that the standards the codes or laws
6 impose are objective; 3) stealth and concealment, but only to
7 the extent that the restrictions the codes or laws impose are
8 reasonable; and 4) the spacing of ground-mounted equipment in
9 a right of way; and

10 (b) requirements imposed by the
11 authority in accordance with Subsection H of Section 3 of the
12 Wireless Consumer Advanced Infrastructure Investment Act; and

13 (5) if it denies an application, document
14 the basis for the denial, including the specific code or law
15 on which the denial was based, and send that documentation to
16 the applicant on or before the date the application is
17 denied.

18 F. In the ninety-day period after an authority
19 receives an application to collocate a small wireless
20 facility, the authority may:

21 (1) provide public notice of the application
22 and an opportunity for written public comment on the
23 application; and

24 (2) submit the written public comment to the
25 applicant and request that the applicant respond to it.

1 G. If an authority determines that applicable
2 codes or laws require that a utility pole or wireless support
3 structure be replaced before an application for collocation
4 is approved, the authority may condition approval of the
5 application on that replacement. That replacement is subject
6 to Section 3 of the Wireless Consumer Advanced Infrastructure
7 Investment Act.

8 H. An applicant whose application is denied may
9 cure the deficiencies identified by the authority and submit
10 a revised application within thirty days after the denial for
11 no additional fee. The authority shall base its review of
12 the revised application only on the deficiencies cited in the
13 denial and shall approve or deny the revised application
14 within thirty days after receiving it.

15 I. If an application is for the collocation of
16 multiple small wireless facilities, the authority may:

17 (1) treat as separate those for which
18 incomplete information has been provided, that do not qualify
19 for consolidated treatment or that are denied; and

20 (2) issue separate permits for the
21 collocations that it approves.

22 J. An authority shall not:

23 (1) directly or indirectly require an
24 applicant to perform services unrelated to the collocation
25 for which approval is sought, such as the making of in-kind

1 contributions to the authority of reserving fiber, conduit or
2 pole space on the wireless provider's utility pole;

3 (2) require an applicant to provide more
4 information to obtain a permit than the authority requires of
5 a communications service provider that is not a wireless
6 provider and that requests a permit to attach facilities to a
7 structure; however, the authority may require the applicant
8 to certify that the small wireless facilities to be
9 collocated conform with the federal communications
10 commission's regulations concerning radio frequency
11 emissions;

12 (3) institute, either expressly or de facto,
13 a moratorium on the acceptance or processing of applications
14 or on the issuance of permits or other approvals, if any, for
15 the collocation of small wireless facilities; or

16 (4) except as otherwise provided in
17 Subsection K of this section, require an application,
18 approval or permit or impose a fee, rate or other charge for:

19 (a) the routine maintenance of a small
20 wireless facility;

21 (b) the replacement of a small wireless
22 facility with one that is substantially similar in size to,
23 the same size as or smaller than it, as long as the wireless
24 provider that owns the wireless facility notifies the
25 authority of the replacement at least ten days before the

1 replacement; or

2 (c) the installation, maintenance,
3 operation, placement or replacement of a micro wireless
4 facility that is, in accordance with applicable codes,
5 suspended on cables strung between utility poles or wireless
6 structures. As used in this subparagraph, "micro wireless
7 facility" means a small wireless facility less than
8 twenty-four inches long, fifteen inches wide and twelve
9 inches high whose exterior antenna, if any, is less than
10 eleven inches long.

11 K. An authority may require a permit to engage,
12 within rights of way, in activities that are identified in
13 Paragraph (4) of Subsection J of this section and that affect
14 traffic patterns or require lane closures.

15 L. The collocation for which a permit is issued
16 shall begin within one hundred eighty days after the permit
17 issuance date, unless the authority and the wireless provider
18 agree to extend that period or a delay in collocation is
19 caused by the lack of commercial power or fiber at the site.
20 The permit gives the wireless provider the right to:

21 (1) collocate the small wireless facility;
22 and

23 (2) subject to applicable relocation
24 requirements, the requirements imposed on the authority by
25 Section 3 of the Wireless Consumer Advanced Infrastructure

1 Investment Act and to the wireless provider's right to
2 terminate collocation at any time:

3 (a) operate and maintain the small
4 wireless facility for at least ten years; and

5 (b) renew the permit for the same
6 period, unless the authority finds that the small wireless
7 facility does not conform with the applicable codes and local
8 laws set forth in Paragraph (4) of Subsection E of this
9 section.

10 M. An authority may charge an applicant an
11 application fee in the amount of one hundred dollars (\$100)
12 or less for each of up to five small wireless facilities and
13 fifty dollars (\$50.00) or less for each additional small
14 wireless facility whose collocation is requested in a single
15 application.

16 N. The approval of an application under the
17 Wireless Consumer Advanced Infrastructure Investment Act does
18 not authorize the provision of a service or authorize the
19 installation, placement, maintenance or operation of a
20 wireline backhaul facility in a right of way.

21 O. The Wireless Consumer Advanced Infrastructure
22 Investment Act shall not be deemed to allow a person, without
23 the consent of the property owner, to collocate a small
24 wireless facility on a privately owned utility pole, a
25 privately owned wireless support structure or private

1 property.

2 SECTION 5. INSTALLATION, REPLACEMENT OR MODIFICATION OF
3 A UTILITY POLE--PERMITS--APPLICATION--FEE.--

4 A. This section applies to the activities of a
5 wireless provider in installing a new, replacement or
6 modified utility pole associated with the collocation of a
7 small wireless facility in a right of way.

8 B. A new, replacement or modified utility pole
9 associated with the collocation of a small wireless facility
10 and installed in a right of way is not subject to zoning
11 review and approval, except for that which pertains to the
12 under-grounding prohibitions described in Subparagraph (c) of
13 Paragraph (1) of Subsection C of this section, unless the
14 utility pole, as measured from the ground level, is higher
15 than whichever of the following is greater:

16 (1) ten feet plus the height in feet of the
17 tallest existing utility pole, other than a utility pole
18 supporting only one or more wireless facilities, that is:

19 (a) in place on the effective date of
20 the Wireless Consumer Advanced Infrastructure Investment Act;

21 (b) located within five hundred feet of
22 the new, replacement or modified utility pole;

23 (c) in the same right of way and within
24 the jurisdictional boundary of the authority; and

25 (d) fifty or fewer feet above ground

1 level; or

2 (2) fifty feet.

3 C. An authority may require an application for the
4 installation of a new, replacement or modified utility pole
5 associated with the collocation of a small wireless facility
6 in a right of way. An authority shall approve such an
7 application unless the authority finds that the installation
8 of the utility pole does not conform with:

9 (1) applicable codes or local laws
10 concerning:

11 (a) public safety;

12 (b) design for utility poles, but only
13 to the extent that the standards the codes or laws impose are
14 objective; and

15 (c) under-grounding prohibitions on the
16 installation of new, or the modification of existing, utility
17 poles in a right of way without prior approval, if those
18 regulations: 1) require that all cable and public utility
19 facilities be placed underground by a date certain within one
20 year after the application; 2) include a waiver, zoning or
21 other process that addresses requests to install such new
22 utility poles or modify such existing utility poles; and 3)
23 allow the replacement of utility poles;

24 (2) the federal Americans with Disabilities
25 Act of 1990 or similar federal or state standards for

1 pedestrian access or movement;

2 (3) requirements imposed by the authority in
3 accordance with Subsection H of Section 3 of the Wireless
4 Consumer Advanced Infrastructure Investment Act;

5 (4) requirements imposed by contract between
6 an authority and a private property owner concerning the
7 design of utility poles in the right of way; or

8 (5) the authority's laws concerning public
9 safety and imposing minimum spacing requirements, if
10 reasonable, for new utility poles in rights of way.

11 D. An authority shall process an application for a
12 permit to install a new, replacement or modified utility pole
13 associated with the collocation of a small wireless facility
14 within one hundred fifty days after receiving the
15 application. If the authority fails to approve or deny the
16 application within that period, the authority shall deem the
17 application approved. The application fee, if any, imposed
18 by the authority for such an application shall conform with
19 the requirements of Subsection M of Section 4 of the Wireless
20 Consumer Advanced Infrastructure Investment Act and shall not
21 exceed seven hundred fifty dollars (\$750).

22 E. The installation, modification or replacement
23 for which a permit is issued under this section shall begin
24 within one hundred eighty days after the permit issuance
25 date, unless the authority and wireless provider agree to

1 extend that period or a delay in the installation,
2 modification or replacement is caused by the lack of
3 commercial power or fiber at the site. The permit gives the
4 wireless provider the right to:

5 (1) undertake the requested deployment; and
6 (2) subject to applicable relocation
7 requirements, to the requirements imposed on the authority by
8 this section and to the provider's right to terminate the
9 installation at any time:

10 (a) operate and maintain the new,
11 modified or replacement utility pole for a period of at least
12 ten years; and

13 (b) renew the permit for that same
14 period, unless the authority finds that the new or modified
15 utility pole does not conform with the restrictions set forth
16 in Subsection C of this section.

17 SECTION 6. ACCESS TO AUTHORITY UTILITY POLES--RATES AND
18 FEES--COLLOCATIONS FOR OTHER COMMERCIAL PROJECTS OR USES.--

19 A. An authority shall not enter into an exclusive
20 agreement with a person for the right to attach a small
21 wireless facility to an authority utility pole.

22 B. The rates and fees an authority imposes for the
23 collocation of a small wireless facility on an authority
24 utility pole shall not vary according to the services
25 provided by the collocating person.

1 C. The rate to collocate a small wireless facility
2 on an authority utility pole shall not exceed twenty dollars
3 (\$20.00) per utility pole per year.

4 D. An authority shall process an application for a
5 permit to collocate a small wireless facility on an authority
6 utility pole in accordance with Section 4 of the Wireless
7 Consumer Advanced Infrastructure Investment Act. The
8 authority may condition the issuance of the permit on the
9 wireless provider's replacement of the authority utility pole
10 if the authority determines that applicable codes or local
11 laws concerning public safety require that replacement. The
12 authority shall process an application for a permit to
13 install a replacement authority utility pole in accordance
14 with Section 5 of the Wireless Consumer Advanced
15 Infrastructure Investment Act. The authority shall retain
16 ownership of the replacement utility pole.

17 E. An authority may prohibit, regulate and charge
18 for the collocation of a small wireless facility on a
19 wireless support structure owned by the authority.

20 SECTION 7. ESTABLISHMENT OF RATES, FEES AND
21 TERMS--EXTENSION OF TERM TO FULFILL DUTIES.--

22 A. An authority may adopt an ordinance setting
23 forth the rates, fees and terms for implementing the Wireless
24 Consumer Advanced Infrastructure Investment Act. In the
25 absence of such an ordinance, an authority and a wireless

1 provider may enter into an agreement setting forth those
2 rates, fees and terms. Documents showing the rates, fees and
3 terms agreed to by an authority and a wireless provider are
4 public records.

5 B. The rates, fees and terms for a wireless
6 provider's use of a right of way as set forth in Section 3 of
7 the Wireless Consumer Advanced Infrastructure Investment Act
8 and for access to authority utility poles as set forth in
9 Section 6 of that act shall accord with that act, and the
10 terms:

11 (1) shall be reasonable and
12 nondiscriminatory;

13 (2) may include requirements that the
14 authority has previously applied to other users of the right
15 of way;

16 (3) may require that the wireless provider's
17 operation of a small wireless facility in the right of way
18 not interfere with the authority's public safety
19 communications;

20 (4) except as otherwise provided in
21 Subsection C of Section 5 of that act, shall not:

22 (a) require the placement of a small
23 wireless facility on a specific utility pole or category of
24 poles or require multiple antenna systems on a single utility
25 pole; or

1 (b) restrict the placement of small
2 wireless facilities by imposing minimum horizontal spacing
3 requirements; and

4 (5) subject to Section 9 of that act, shall
5 provide for the reasonable accommodation of a power supply
6 to, and electric metering of, the small wireless facility.

7 C. An agreement between an authority and a
8 wireless provider in effect on the effective date of the
9 Wireless Consumer Advanced Infrastructure Investment Act and
10 that concerns the collocation of one or more small wireless
11 facilities in a right of way, including that collocation on
12 authority utility poles, remains in effect subject to
13 applicable termination provisions. A wireless provider in
14 such an agreement may, after they become effective, accept
15 the rates, fees and terms established in accordance with
16 Subsection B of this section for the small wireless
17 facilities and utility poles that are the subject of an
18 application.

19 D. If the federal government, the state or an
20 authority declares a disaster and that disaster impedes an
21 authority's or wireless provider's ability to fulfill the
22 duties imposed on it by the Wireless Consumer Advanced
23 Infrastructure Investment Act or by an ordinance adopted in
24 accordance with this section, the term under which those
25 duties must be fulfilled is extended for a reasonable period.

1 SECTION 8. SCOPE OF LOCAL AUTHORITY.--

2 A. Except as otherwise provided in the Wireless
3 Consumer Advanced Infrastructure Investment Act, an authority
4 may exercise its zoning, land use, planning and permitting
5 authority and its police power for the installation,
6 modification and replacement of wireless support structures
7 and utility poles.

8 B. An authority's power to control the design,
9 engineering, construction, installation or operation of a
10 small wireless facility in an interior structure or on the
11 site of a campus, stadium or athletic facility not owned or
12 controlled by the authority is limited to its authority to
13 enforce compliance with applicable codes.

14 C. The Wireless Consumer Advanced Infrastructure
15 Investment Act does not authorize the state or a political
16 subdivision of the state to require small wireless facility
17 deployment or to regulate wireless services.

18 D. If an authority determines that a utility pole
19 or the wireless support structure of a wireless provider must
20 be relocated to accommodate a public project, the provider
21 shall assume the costs of relocating the wireless facilities
22 deployed on the pole or structure.

23 SECTION 9. APPLICABILITY.--The Wireless Consumer
24 Advanced Infrastructure Investment Act does not:

25 A. affect the authority, under state or federal

1 law, of an investor-owned electric utility or electric
2 cooperative that owns, controls or operates utility poles or
3 wireless support structures to deny, limit, restrict or
4 determine the rates, fees, terms and conditions for the use
5 of, or attachment to, those poles or structures by a wireless
6 provider;

7 B. confer on an authority any zoning, land use,
8 planning, permitting or other regulatory authority over the
9 utility poles, wireless support structures or small wireless
10 facilities owned, controlled or operated by an investor-owned
11 electric utility or electric cooperative or the installation
12 of those poles, structures or facilities by an investor-owned
13 electric utility or electric cooperative;

14 C. impose a duty, liability or restriction on any
15 investor-owned electric utility or electric cooperative;

16 D. amend, modify or otherwise affect the
17 provisions affecting a private easement; or

18 E. authorize an authority to:


19 (1) require of a public telecommunications
20 company that provides telecommunications services under a
21 certificate of public convenience and necessity issued by the
22 state an additional grant of authority to provide those
23 services; or

24 (2) discriminate against such a company in
25 its use of rights of way.


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SECTION 10. EFFECTIVE DATE.--The effective date of the
provisions of this act is September 1, 2018. _____

SJC/SB 14
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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate




Brian Egolf, Speaker
House of Representatives



Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Approved by me this 7th day of March, 2018



Governor Susana Martinez
State of New Mexico