

**CITY OF NORMAN, OKLAHOMA**

**CITY COUNCIL COMMUNITY PLANNING AND  
TRANSPORTATION COMMITTEE AGENDA**

**Municipal Building Conference Room  
201 West Gray**

**Thursday, March 8, 2018**

**4:00 P.M.**

- 1. CLEVELAND AREA RAPID TRANSIT (CART) RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE FOR THE MONTH OF JANUARY 2018.**
- 2. DISCUSSION REGARDING NEW CELLULAR TECHNOLOGY IN THE RIGHTS-OF-WAY.**
- 3. DISCUSSION REGARDING FIRE SPRINKLING REQUIREMENTS FOR DUPLEXES WITH MORE THAN THREE BEDROOMS.**
- 4. PRESENTATION FROM THE READY FOR 100 CITIZENS GROUP.**
- 5. MISCELLANEOUS COMMENTS.**

**ITEM 1**  
**CART REPORT**

## **Community Planning & Transportation Committee Meeting, February 22<sup>nd</sup>, 2018**

### **CART Monthly Report for January 2018**

#### **CART – Ridership Report Summary**

- CART transported 96,358 passengers in January – an 8% increase over January 2017. The daily average ridership was 6,101, a decrease of 50 or 1%.
  - Days of service increased by 1 regular schedule day compared to January 2017.
- Fiscal year to date ridership (July – January) is 689,600 – a decrease of 9% over the same period last year.
- There were 636 riders who traveled with bicycles (0.7%) and 242 with wheelchairs (0.3%). Route 11-Lindsey East carried the most passengers with bicycles (234) and wheelchairs (80).

#### **CARTaccess – Ridership Report Summary**

- CARTaccess transported 2,695 riders in January – a decrease of 6% or 183. Average daily ridership was 108, a decrease of 10% or 12. Primary zone ridership decreased by 223 or 9% in January; Secondary Zone ridership increased by 10% or 40.
- For FY18 year to date (July to January), CARTaccess ridership is 19,581 – a decrease of 10%. Primary Zone ridership has decreased by 2,654 or 14% FYTD; Secondary Zone ridership has increased by 383 or 14%. Secondary Zone ridership comprises 16% of all CARTaccess trips FYTD.

#### **CART Activities**

- The CART Transportation Advisory Committee (CTAC) met on January 8<sup>th</sup>. CART staff provided updates on service and ridership. Topics included the RTA discussions for the region and upcoming schedule changes. ACOG is providing an RTA update to the committee at its March 12 meeting.
- CART's Marketing and PR intern is updating CART's website to make it more accessible and user friendly for those with vision impairments using screen readers. This involves changing settings to the text and PDF documents that are uploaded to the website.
- CART staff attended a senior luncheon at Brookstone Cottages to discuss both CARTaccess and fixed route services.
- CART staff attended the Oklahoma Transit Association (OTA) Winter Conference from February 6-8. Sessions included meeting with Norman's state legislators, federal updates, and training.

#### **CART Detours/Construction**

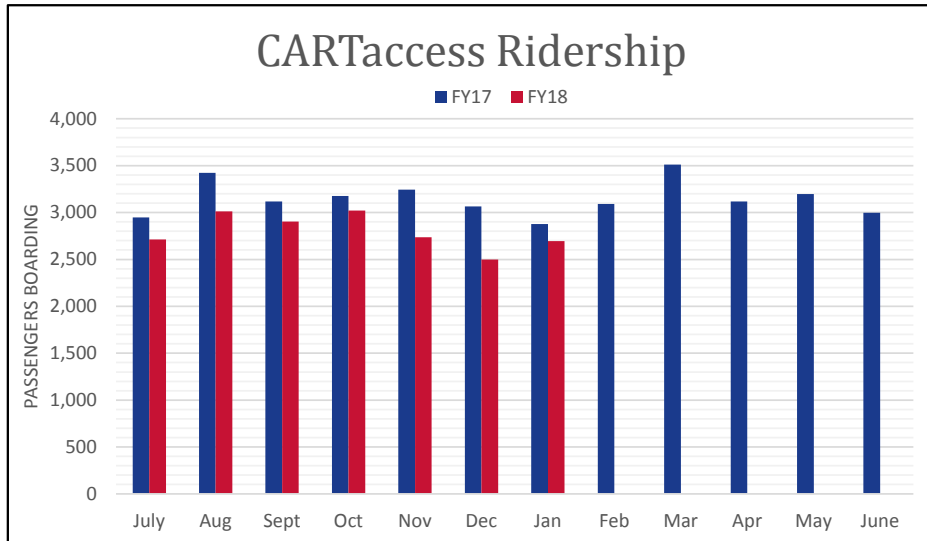
- Route 52-Campus Loop is missing its stop at the Oklahoma Memorial Student Union due to construction of a new engineering building on Felgar Street. Riders are encouraged to use stop 181 at Jenkins Avenue and Felgar Street.
- CART initiated a route deviation on its 3:30 pm run on Route 11-Lindsey East to not stop at the Irving Middle School stop to avoid conflicts with other motorists at this time (please see attached). Over the past few years, CART has had difficulties associated with the Irving dismissal traffic and has received calls from concerned parents. In addition, there has been numerous close calls because vehicles are parked on both sides of Vicksburg, while still trying to maintain traffic flow in both directions. Unfortunately, there was an instance last year where a CART bus knocked off two other vehicles mirrors. With this deviation, riders have the option to wait for the next bus 30 minutes later, or walk about 0.2 miles or 2 minutes to the nearest stop on Alameda Street. CART has had success the past few years implementing a similar detour for route 12-Lindsey West during Whittier Middle School's dismissal. CART posted the attached flyer on the fixed route vehicles, the CART website, and social media to alert riders.

#### **Attachments**

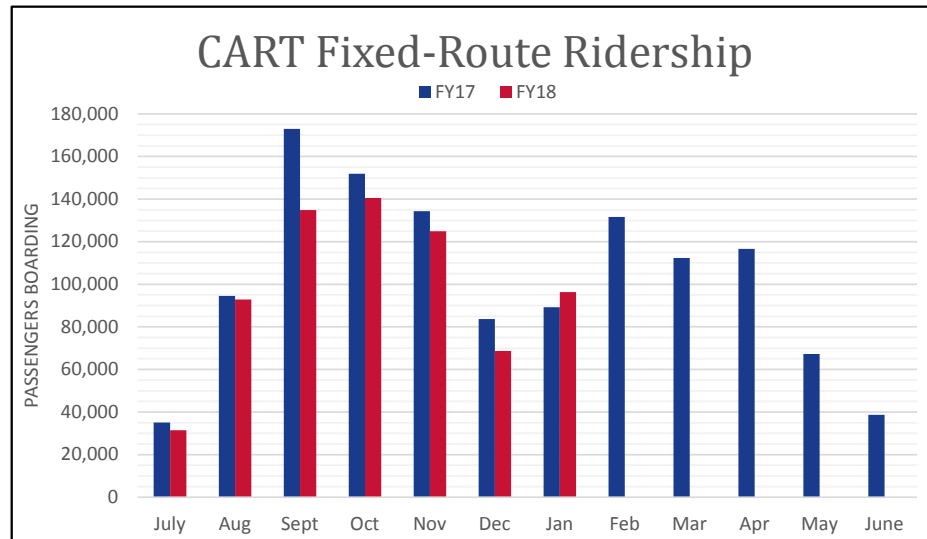
- CART Fixed-route and CARTaccess Ridership Graphs for FY17 and FY18.
- CART Flyer for 11-Lindsey East Route Deviation

## CART Ridership Summary

### City of Norman Community Planning & Transportation Committee



CARTaccess Ridership by Month			
	FY17	FY18	Change
July	2,948	2,714	-8%
Aug	3,422	3,011	-12%
Sept	3,118	2,905	-7%
Oct	3,177	3,022	-5%
Nov	3,244	2,736	-16%
Dec	3,065	2,498	-18%
Jan	2,878	2,695	-6%
Feb	3,092		
Mar	3,511		
Apr	3,118		
May	3,196		
June	2,997		
<b>July - Jan</b>	<b>21,852</b>	<b>19,581</b>	<b>-10%</b>
<b>FY17 Total</b>	<b>37,766</b>		



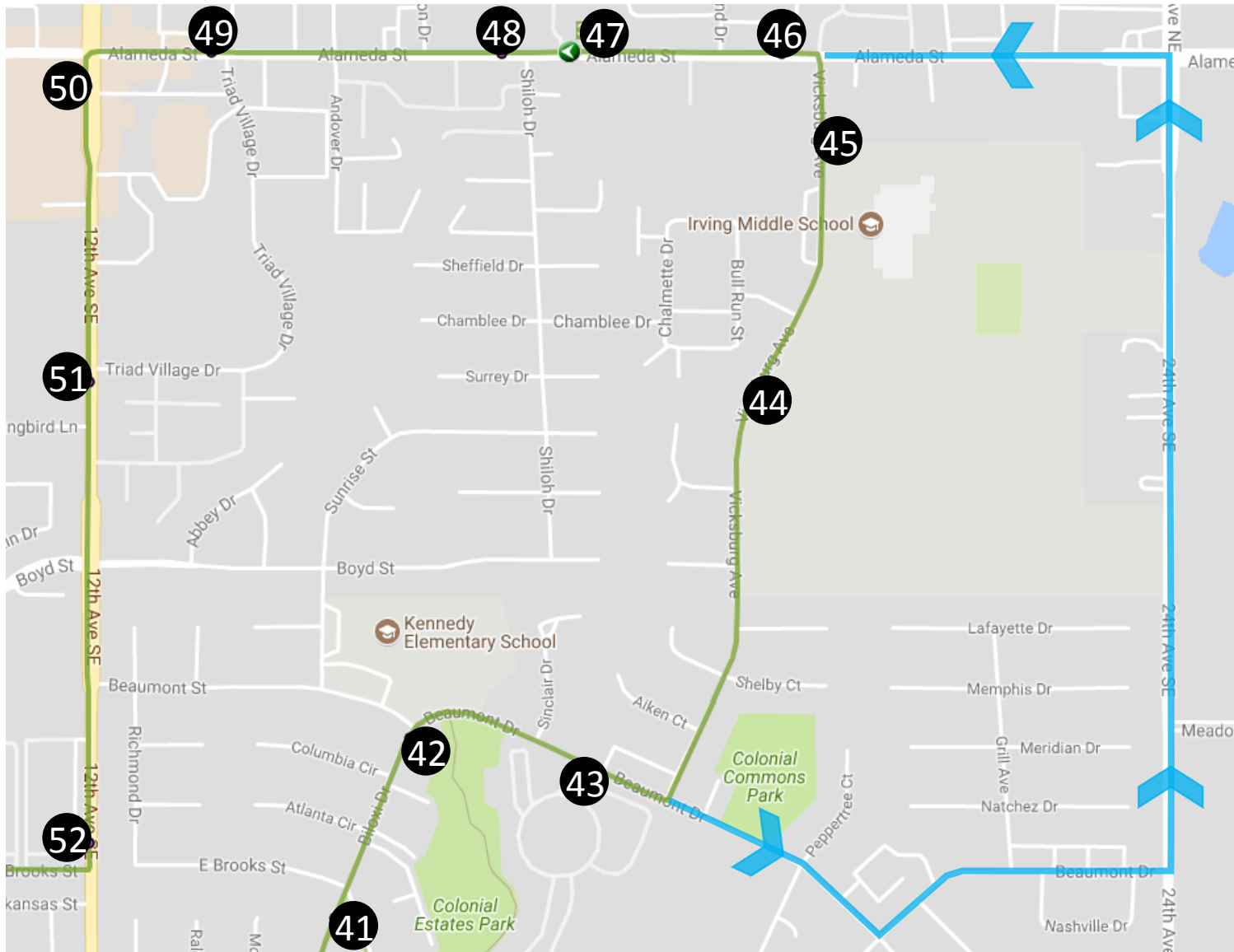
Fixed-Route Ridership by Month			
	FY17	FY18	Change
July	35,072	31,500	-10%
Aug	94,507	92,808	-2%
Sept	173,011	134,812	-22%
Oct	151,858	140,553	-7%
Nov	134,347	124,836	-7%
Dec	83,667	68,733	-18%
Jan	89,238	96,358	8%
Feb	131,650		
Mar	112,329		
Apr	116,616		
May	67,325		
June	38,645		
<b>July - Jan</b>	<b>761,700</b>	<b>689,600</b>	<b>-9%</b>
<b>FY17 Total</b>	<b>1,228,265</b>		

FY18: July 1, 2017 - June 30, 2018

FY17: July 1, 2016 - June 30, 2017

# Route 11-Lindsey East Deviation at Irving Middle School Effective February 12, 2018

Due to the high amount of traffic associated with dismissal at Irving Middle School, CART will deviate route 11 as shown below during its 3:30 pm run, Monday through Friday, during the school year effective February 12. Stops 44 and 45 will be missed during this deviation and riders are encouraged to use stops 43-Beaumont/Vicksburg or 46-Alameda/Vicksburg during the 3:30 pm run.



43-Beaumont/Vicksburg  
or 46-Alameda/Vicksburg  
during the 3:30 pm run.

Thank you for riding  
CART!

Download the "CART GPS"  
app for Apple and Android.



**(405) 325-2278**

[rideCART.com](http://rideCART.com)

[CARTgps.com](http://CARTgps.com)

@CARTNorman on 

Like CART on 



## **ITEM 2**

### **NEW CELLULAR TECHNOLOGY IN THE RIGHTS-OF-WAY**



# office memorandum

DATE: February 20, 2018

TO: Members of the City Council Community Planning and Transportation Committee

THROUGH: Jeff Bryant, City Attorney  
FROM: Kathryn Walker, Assistant City Attorney III

RE: New Cellular Technology and the Rights of Way

## Background

Over the last several months, cell phone providers and infrastructure providers have approached cities around Oklahoma about attaching a new technology called Small Cell on street lights, electric poles, and structures to enhance the cellular network and provide faster download speeds. Small cells will be integral to implementation of a new fifth generation (5G) cellular network. Cities across Oklahoma have been working together to develop legislation for adoption into the municipal codes of each city and town in Oklahoma. At the request of AT&T, Senator Greg Treat filed Senate Bill 1388 in January. This bill is intended to create a standardized process for small cell installation in rights of way, on light poles, and on other structures. The Oklahoma Municipal League (OML) formed a working group made up of municipal attorneys to discuss this legislation with AT&T. The purpose of this memorandum is to provide an update on those efforts.

## What is small cell technology?

Traditionally, cellular providers have utilized macro cell sites to provide users with cellular coverage for phone calls and data downloads. Macro cells are antennae structures typically seen on large free standing towers and other tall structures. They provide a large coverage radius (miles) and enable a large number of devices to connect to the network at the same time. In Norman, we have a number of macro cell sites on large cellular towers built for that purpose, as well as on water towers.

As technologies have evolved, and customer demand has increased for smart devices, higher download speeds, and reliable on-the-go access, cellular companies have developed technology for what is called the fifth generation, or 5G, network. With each generation of broadband technology, communications and accessibility improves. Third generation broadband (3G) utilizes a signal from the nearest phone tower and provides enough signal strength for phone calls, messaging and data. Fourth generation broadband (4G) works like 3G, but about five times faster with download speeds up to 100 megabits per second (Mbps). 5G broadband will be significantly faster than 4G with download speeds of up to 10,000 Mbps.<sup>1</sup>

---

<sup>1</sup> Source: <https://www.techworld.com/apps-wearables/what-is-5g-everything-you-need-know-about-5g-3634921/>

As providers move towards developing a 5G network, they are developing technology to address gaps in macro cell site coverage, provide more network capacity, and to provide service in areas not effectively served by a traditional macro cell. Small cells have the ability to address those issues by complementing the macro cell sites in targeted areas.

Small cells are portable miniature base stations that require minimal power to operate. Small cells are much smaller than the traditional macro cell and can be placed on light poles and atop buildings. They can cover a radius of up to 1500 feet and provide enhanced voice and data services by improving network capacity.

### Current Approach to Regulating Cellular Technology and Access to the Rights of Way

As previously stated, macro cell sites have historically been used to provide cellular technology in Norman. In Norman, we have six macro cell sites on City property. Macro cell towers can range in height from 100 to 400 feet tall. Cell towers are evaluated pursuant to Section 431.2 of the City's Zoning Ordinance and lease agreements are negotiated for each cell tower location when they are located on City property. Lease payments are made by each cell provider that places equipment on a cell tower on City property. The regulations in the zoning ordinance for Communication Towers contemplate the more traditional cell tower with a monopole and accessory building. These towers are not allowed in public rights of way or residential zoning districts for obvious reasons.

Small cell structures are much smaller and can be accommodated on light poles, traffic lights and buildings. The preferred placement of the small cell structures is lower to the ground because of the limited coverage radius. This means oftentimes the small cell structure would be placed on a pole in the City's right of way or in an easement.

Currently, the City regulates the use of its rights of way and easements through either franchise agreements (where applicable), contracts, revocable permits, and revocable licenses. The City has franchise agreements for use of the rights of way with OG&E, OEC and ONG. AT&T has a statewide franchise by virtue of a provision in Article 9, Section 2 of the Oklahoma Constitution. Cox Communications and AT&T U-Verse have five year contracts with the City for right of way access for the provision of cable television services. Franchise fees are paid on gross revenues by virtue of franchise agreements and contracts with providers in the rights of way.

A revocable utility installation permit is typically utilized for underground right of way encroachments. The permit is only issued upon approval of construction drawings, receipt of letters of no objection from franchised utility companies, and proof of insurance. The permit fee schedule varies based on the cost of construction. Revocable permits have been issued to Chickasaw Telephone, Norman Regional Hospital and other providers that aren't selling service to Norman customers. Staff typically requires a fee in lieu of a franchise fee should the provider begin to sell services in Norman.



Other entities have been allowed to put structures in the City's rights of way and easements upon approval of a revocable license by City Council. Revocable licenses are typically issued for non-utility encroachments in the rights of way. These come forward to Council as a contract. Recent examples include licenses for placement of entrance arches into the Fountain View Addition (2012), patio encroachments for La Baguette, Blackbird Gastropub, Coach's Brewhouse and In the Raw Sushi (2011-2013), staircase and entrance into First Baptist Church (2013), parking and sports fields at Community Christian School (2013), and LED lighting installation across Main Street in Downtown Norman (2017).

Managing access to the City's rights of way and easements is important to protect the assets belonging to the City and the other franchised utilities located underground and aboveground. Additionally, traffic poles and electric poles have certain loading requirements that restrict how much equipment the pole can accommodate. As technology develops, the City should be thinking about how to manage all of these interests in its rights of way.

#### Current Federal Telecommunications Law

Telecommunication facilities are regulated under several different federal laws. Each law impacts the degree to which state and local governments can regulate telecommunication companies. The Telecommunications Act of 1996 ("TCA") preserves state and local authority over "the placement, construction, and modification of personal wireless service facilities."<sup>2</sup> However, any regulations over placement, construction, and modification of wireless facilities by State and local governments cannot unreasonably discriminate among wireless providers and regulations cannot prohibit or effectively prohibit the provision of wireless services.<sup>3</sup> Accordingly, a local regulatory authority must act on a request to place, construct or modify wireless service facilities within a reasonable time the request is received, and any denial of such a request must be made in writing and supported by a written record containing substantial evidence for such denial.<sup>4</sup> The TCA explicitly preserves the right of the State and local government to manage the public rights-of-way or to require fair and reasonable compensation from a wireless provider, as long as it is required on a competitively neutral and nondiscriminatory basis and the compensation required by the government is publicly disclosed.<sup>5</sup>

The Pole Attachment Act of 1978 required investor-owned electric and telephone utilities to provide low cost attachment rates to cable television provider to encourage more cable television providers. The TCC expanded the access to utility poles to include telecommunication providers and made providing access mandatory unless there were capacity, safety or reliability issues caused by the potential pole attachment.<sup>6</sup> Even though the franchised utilities have access to the City's rights of way for a limited

---

<sup>2</sup> 47 U.S.C.A. §332(c)(7)(A).

<sup>3</sup> *Id.* at §332(c)(7)(B).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 253(c).

<sup>6</sup> *Id.* at 224(f).

purpose, this provision requires them to allow other utilities in our rights of way to attach to their poles.

Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, called the Spectrum Act, also impacts the authority of state and local governments to regulate wireless facilities. It requires state and local regulatory authorities to approve of requests for modification of transmission equipment at existing wireless tower or base stations as long as the physical dimensions of the tower or base station are not substantially changed.<sup>7</sup> The Federal Communications Commission (“FCC”) issued implementation rules in 2014 and these rules make it clear that these provisions apply to some of the evolving new technology, including small-cell networks, as well as more traditional cell towers.<sup>8</sup> The FCC rules also sets forth limits to the amount of documentation a state or local government can require with an application, the time frame within which the application must be approved (generally 60 days if the application is complete), and deems an application to be granted if the local authority fails to issue an approval or denial within the applicable timeframes.<sup>9</sup>

#### Creating a Regulatory Process for New Technology

Over the past several years, the FCC has heard a number of complaints about local governments using local regulations as a barrier to necessary wireless infrastructure for small cell and 5G internet. Whether its excessive fees, moratoriums, or permitting issues, the FCC has expressed concern about state and local governments interfering with the goal set by President Bush and President Obama to accelerate broadband deployment.<sup>10</sup> The FCC formed the Broadband Deployment Advisory Committee and charged it with developing a model ordinance for local governments that could provide guidelines to help speed up approval of applications and thereby, broadband deployment across the United States.

AT&T began approaching cities in the Oklahoma City and Tulsa metro areas last Spring and Summer about deploying small cell networks. AT&T had a proposed model ordinance and a Facilities License Agreement but the ordinance and agreement did not adequately address the cities concerns about rights of way. Since that time, Moore and Broken Arrow have adopted ordinances and many others have been working together to develop a framework that both larger cities and more rural communities could use when applications are made for this new wireless technology. Late last fall, the Oklahoma Municipal League was approached by AT&T about working together to develop statewide legislation. A working group of municipal attorneys and technical experts was formed and Verizon and Sprint were included in the discussions to ensure the end product would be something that would work for everyone. Multiple interests are at the table,

---

<sup>7</sup> *Id.* at §1455(a).

<sup>8</sup> 47 C.F.R. §1.40001(b).

<sup>9</sup> *Id.* at §1-40001(c).

<sup>10</sup> [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-16-1427A1\\_Rcd.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-16-1427A1_Rcd.pdf)

including cities that operate their own electric utility and own the electric poles, and cities like Norman, who primarily have traffic signals in the rights of way.

The current draft of Senate Bill 1388 creates a new permitted use for the location of small wireless facilities on utility poles. As a permitted use, application approval would not require a zoning change and would be processed entirely by Staff. The facilities cannot obstruct or hinder travel or public safety on the right of way and cannot obstruct the use of the rights of way by other legal occupants. If a wireless facility cannot be accommodated on an existing pole, a new pole can be erected in its place. Any new or modified pole would be restricted in height to 10 feet above the tallest existing utility pole within 500 feet in the same right of way; or 50 feet above ground level. Local authorities are empowered to adopt written guidelines that establish reasonable and objective stealth or concealment criteria for small wireless facilities in designed areas and reasonable and objective criteria for them to be located on decorative poles. The application fee for a permit is limited under the Senate Bill to \$200 each for the first five (5) small wireless facilities on the same application and \$100 for each additional facility on the same application. For permits to install or modify a pole and install a small cell facility, the permitting fee cannot not exceed \$350 per pole for access to the right of way. The rent for occupying the right of way is limited to \$20 per year per small wireless facility. The rates to collocate on City poles in the rights of way is also limited to \$20 per pole per year.

Some of the items still being negotiated include timelines for undergrounding facilities, timelines for application reviews, and fee sufficiency. Senate Bill 1388 has been assigned to the Senate Business and Commerce Committee. Senator Treat has agreed to strike the title of the bill, which will give the working group until mid-March to finalize the bill language. Given that the FCC is actively seeking to remove barriers to small cell deployment, the working group has given Oklahoma cities the opportunity to work towards more localized regulation. Thus far, AT&T, Sprint and Verizon have been willing to consider language that will address the concerns expressed by the cities.

Staff will keep Council apprised as these negotiations continue and will be available for questions at the CPTC meeting on February 22, 2018.

**ITEM 3**  
**SPRINKLING REQUIREMENTS**



**TO:** Community Planning and Transportation Committee Members

**FROM:** Susan Connors, AICP, Director, Planning and Community Development

**DATE:** February 16, 2018

**RE:** Requiring Sprinkling in Duplexes with 4 or more Bedrooms

The Community Planning and Transportation Committee has requested that staff provide information on requiring two-family homes (duplexes) with more than three bedrooms per unit to be sprinkled. Attached is a chart that provides a condensed summary of common building fire protection sprinkler requirements. As can be noted on the chart, generally, a two family duplex does not require fire protection through a sprinkler system under the International Residential Code (IRC). However fire protection through a sprinkler system is generally required for apartments, boarding or lodging houses, hotels, motels, and townhouses (defined as more than two attached dwelling units with grade level access at each dwelling unit).

With the emphasis of increased density in the Center City Zoning District and an interest in development in the Central Core Area of duplexes that appear to be designed to house more than a single family unit on each side, (three or more bedrooms with a bathroom for each bedroom) it does seem prudent to ensure an additional level of fire protection in these types of structures, similar to that required for apartments, boarding houses, or lodging houses.

Therefore, Staff would recommend that the fire protection through a sprinkler system requirement be contained to the Central Core Area of Norman as defined in the map exhibit in Sec. 431.7 of the Zoning Ordinance. The area is defined by Robinson Street on the north, 12<sup>th</sup> Avenue East on the east, Imhoff Road on the south and Berry Road on the west. Within this area any two-family (duplex) structure with more than three bedrooms per unit would be required to be sprinkled per the requirement in Section P2904 or the International Residential Code (IRC) or NFPA 13D or as these documents are amended.

With the adoption of the 2015 International Residential Code (IRC) any structure with more than two units or with more than two units connected must be sprinkled. If a structure falls under the International Building Code (IBC), then it must also be sprinkled.

The language to require two-family structures (duplexes) to be sprinkled would be added to the Zoning Ordinance in each section where duplexes are a permitted or Special Use and would specify this requirement is only applicable to the Central Core Area as defined in the map exhibit in Sec. 431.7. The zoning districts which allow two-family dwellings (duplexes) include R-2, RM-2, RM-6, R-3, and RO.

office memorandum

## A condensed summary of common building fire protection sprinkler requirements

The adopted building codes in the City of Norman (the International Residential Code IRC and the International Building Code IBC) each have prescriptive requirements that are used to determine when buildings are required to be protected by automatic fire protection sprinkler systems. The application of the prescriptive requirements are determined primarily by the proposed use of the building in conjunction with the size of the building (square feet of floor area and building height). The following summary of automatic fire protection sprinkler system requirements is a **condensed** view of the application of the most common prescriptive requirements of the IRC and IBC.

Use	Code	Sprinklers required?	No	Yes
Single family	IRC		X	
Two family (duplex)	IRC		X	
Townhome (more than two attached dwelling units with grade level access at each dwelling unit)*	IRC			X
Apartments, boarding and lodging houses, hotels and motels, etc.	IBC			X
General business offices	IBC		X (unless large area and/or multiple stories)	
Restaurants, bars, taverns and other places where more than 100 people gather together	IBC			X (except small establishments where less than 100 gather together)
Retail shops and stores	IBC		X (except stores larger than 12,000 square feet for general merchandise or 5,000 square feet where upholstered furniture is displayed or sold)	

\*prior to the adoption of the current edition of the IRC two or more townhome projects were recently constructed without sprinkler systems because they employed the use of fire walls between the dwelling units; the current code no longer accommodates this practice