



**CITY OF FAIRFAX, VIRGINIA
FAIRFAX CITY HALL, DEPARTMENT OF PUBLIC WORKS
ROOM 200, 10455 ARMSTRONG STREET
FAIRFAX, VA 22030
(703) 385-7875**

RIGHT-OF-WAY LICENSE AGREEMENT APPLICATION SUBMISSION PACKAGE

Enclosed are the submission instructions and forms required to enter into a license agreement that is the prerequisite to requesting placement of utility facilities within the Rights-Of-Way within the boundaries of the City of Fairfax.

COMPLETED "INTENT-TO-SUBMIT" FORMS MUST BE SUBMITTED TO:

- **IN PERSON:** DEPARTMENT OF PUBLIC WORKS, 10455 ARMSTRONG STREET, ROOM 200A, FAIRFAX, VA 22030 OR **VIA EMAIL:** ROW-License@fairfaxva.gov

COMPLETED SUBMISSION PACKAGES MUST BE DELIVERED TO:

- DEPARTMENT OF PUBLIC WORKS, 10455 ARMSTRONG STREET, ROOM 200A, FAIRFAX, VA 22030

ALL SUBMITTED MATERIALS AND INFORMATION WILL BE CONSIDERED "NON-CONFIDENTIAL" WITH RESPECT TO INFORMATION CONTENT AND HANDLING PROCESSES, REGARDLESS OF ANY WRITTEN INDICATIONS SHOWN ON THE MATERIALS.

CITY OF FAIRFAX, VIRGINIA
Department of Public Works

David Summers
David.Summers@fairfaxva.gov
Director

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PART ONE: SUBMISSION REQUIREMENTS AND THE APPROVAL PROCESS

1. BACKGROUND AND PROCESS SUMMARY

The City of Fairfax currently maintains active franchise and license agreements with both regulated and unregulated utility companies within the borders of the City proper. Franchise agreements are in-place with the regulated, incumbent companies that currently or formerly maintained monopolistic service delivery positions in the marketplace. This required deployment of distribution infrastructure in the City's rights-of-way (ROW) to enable delivery to all properties in the community for electric, gas, water, sewer, and communication services. The majority of the overhead utility pole and cable infrastructure in-place today was originally deployed, and is currently maintained, in the ROW under a regulated, monopolistic environment governed by franchise agreements.

The competitive environment for communication services over the recent past has created the request for multiple service providers (both regulated and unregulated) to place cables and equipment within the City's ROW. These companies have negotiated license agreements and solicited City Council approval to do so on a case-by-case basis given the limited number of cases. The emerging demand for new, technology-driven services in certain utility sectors is once again stimulating requests for the placement of cables and equipment in the ROW.

The City has formalized the process for entities seeking authorization to place their cables and equipment in the ROW. ***Companies that have approved franchise or license agreements*** will be allowed to seek permits to work in the ROW under the terms of those existing agreements. Renewal or expansion of the approved scope of work of an existing agreement will be subject to a revised ROW license application submission to enable the Work Permit process flow for any newly submitted work sites.

Submission of a completed license application package will initiate a review dialog with the applicant firm to acknowledge receipt of the package and confirm points of contact. The details of the application process flow and information submission requirements are covered in subsequent sections of this document. In brief, once the completed application is reviewed internally and confirmed complete by the City Staff, a review session will be scheduled with the applicant. This meeting will entail a design review of the submitted site drawings, status of the review of the City License Agreement, and the steps for presentation of the license package to the City Council for review and approval. Council approval will allow for execution of the ROW license agreement for the submitted deployment scope. The executed license, accompanied by the design scope contained in the application submission package, will allow for the issuance of subsequent ROW Work Permits.

2. APPLICATION SUBMISSION RESPONSE COMPONENTS

A completed submission package will consist of the following items:

- a) Application Type Declaration (New/Amendment)
- b) Licensee Company "Intent-to-Submit" Information Form
- c) System Deployment Definition and Scope
- d) Technical and Construction details
- e) Individual Site Design Package for each future work location that will request ROW permits
- f) DRAFT License Agreement comments

3. QUESTIONS AND CORRESPONDENCE

All questions relating to this license application shall be submitted via email to **Ms. Ann Feeherry** in the Public Work Department, at Ann.Feeherry@fairfaxva.gov. For a question to be answered promptly, the subject line of the e-mail must state the following: **ROW Application License Questions**. Questions should be succinct and must include the Applicant's name, title, company name, company address, and telephone number.

PART TWO: APPLICATION COMPONENTS DESCRIPTION

1. APPLICATION TYPE DECLARATION (NEW/AMENDMENT)

An Applicant that DOES NOT have an existing ROW License Agreement with the City will check the box as a NEW APPLICANT on the “INTENT-TO-SUBMIT” FORM described below. An existing Licensee wanting to place equipment in the ROW at a location not currently covered by the approved License Agreement Package will submit for a LICENSE AMENDMENT on the “INTENT-TO-SUBMIT” FORM.

2. LICENSEE APPLICANT “INTENT-TO-SUBMIT” INFORMATION FORM

This form (See SECTION 8) must be submitted by the Applicant (or their authorized representative) in advance of the actual submission. This makes the City Staff aware of the intent of the existing or new Licensee, and initiates the City’s workflow and scheduling for the review and approval process.

3. SYSTEM DEPLOYMENT DEFINITION AND SCOPE

The City recognizes the expanding scope associated with the delivery and management of public and private utility services, most notably in the area of communication services. This will drive the need for more equipment and connectivity facilities to be placed in or adjacent to the public rights-of-way (ROW). A critical component of the ROW License Application Submission is a system-level map and connectivity drawing showing where the Applicant plans to deploy equipment within the ROW boundary of the City and how these sites will communicate with each other and via what connectivity means. The City will work with the Applicant to utilize the deployment site GIS maps and site reference data provided to enter the corresponding work-sites into the City’s GIS mapping system

4. TECHNICAL AND CONSTRUCTION DETAILS

SECTION 7 of this Application Submission Package provides a detailed checklist for the information that will be looked for as part of the “submission complete” notification step, leading into the review and approval process.

5. SITE-SPECIFIC DESIGN SUBMITTAL FOR ABOVE-GROUND INSTALLATIONS

This form (See SECTION 8) must be completed and be the first sheet for each above-ground worksite submitted for review and approval. This cover sheet provides a uniform information input for City Staff tracking. Behind this cover sheet will follow all the TECHNICAL AND CONSTRUCTION DETAILS described above in item 4.

6. DRAFT LICENSE AGREEMENT COMMENTS

The APPROVED ROW LICENSE AGREEMENT PACKAGE will consist of two components:

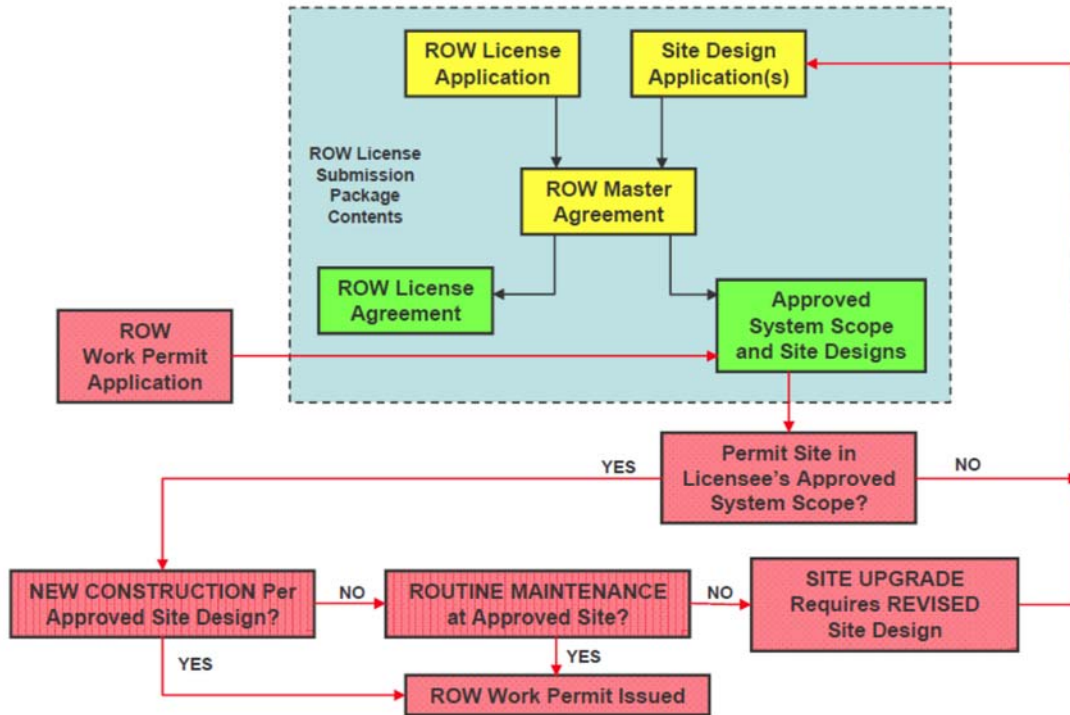
- A) The approved technical and design information for each of the submitted work locations.
(Future ROW Permits will be reviewed and approved ONLY for these approved sites.)
- B) The executed ROW License Agreement between the City of Fairfax and the Licensee.

SECTION 9 of this application package contains the City’s ROW License Agreement for the Applicant’s review and comment. The license agreement approval process will transpire in parallel with the site design review process.

**PART THREE:
ROW LICENSE APPROVAL PROCESS STEPS**

- 1. POTENTIAL APPLICANT DOWNLOADS APPLICATION PACKAGE FROM CITY WEBSITE**
- 2. APPLICANT SUBMITS “INTENT TO SUBMIT” FORM PROVIDING INITIAL INFORMATION**
- 3. CITY ACKNOWLEDGES RECEIPT OF “INTENT” FORM AND RESPONDS TO REQUESTED APPLICATION SUBMISSION DATE REQUESTED BY APPLICANT**
- 4. APPLICATION PACKAGE SUBMITTED TO CITY ON STATED SUBMISSION DATE**
- 5. CITY ACKNOWLEDGEMENT VIA EMAIL OF RECEIPT OF APPLICATION SUBMISSION PACKAGE**
- 6. CITY REVIEW OF APPLICATION PACKAGE FOR COMPLETENESS (TIMING DEPENDENT ON SUBMISSION SIZE AND SCOPE)**
- 7. CITY RESPONSE TO APPLICANT IF APPLICATION OMISSIONS IDENTIFIED (BACK TO STEP 4.)**
- 8. CITY FORMAL ACKNOWLEDGEMENT OF COMPLETE APPLICATION**
- 9. CITY COMMENTS TO APPLICANT (TIMING DEPENDENT ON SUBMISSION SIZE AND SCOPE)**
- 10. REVIEW SESSION SCHEDULED TO DISCUSS CITY COMMENTS AND APPLICATION STATUS**
- 11. LICENSE AGREEMENT NEGOTIATED AND EXECUTED BY BOTH PARTIES**
- 12. SYSTEM SCOPE AND SITE DESIGN SUBMISSIONS APPROVED BY CITY STAFF**
- 13. ROW LICENSE APPLICATION PRESENTED TO TOWN COUNCIL FOR REVIEW AND APPROVAL**
- 14. ROW LICENSE MASTER AGREEMENT BINDER APPROVED FOR ROW PERMIT ISSUANCE**

PART FOUR: ROW WORK PERMIT APPROVAL - OVERALL PROCESS FLOWCHART



Process Flow Color Legend

YELLOW: These process boxes represent the ROW application components to be submitted by the Applicant to the City as part of the review and approval process.

GREEN: These process boxes represent the components of the APPROVED ROW License Agreement Package consisting of the Terms and Conditions of the executed ROW License Agreement AND the APPROVED Technical Design Information for the submitted ROW worksites.

RED: These process boxes represent the ROW Permit Application and Approval process flow for the ROW worksites contained in the APPROVED ROW License Agreement Package. ROW Permit Applications must reference the APPROVED ROW License Agreement Number. The permit worksite will be verified against the agreement package approved site list. The scope of work specified on the permit will then be verified against the approved site design prior to ROW Permit approval. Any ROW Permit Application submitted for a site that is NOT on the approved list, must go through the License Amendment process. (See SECTION 2, Item 1.)

PART FIVE: ZONING/PLACEMENT AND POLE ATTACHMENT REQUIREMENTS

The City's first choice for new utility facilities in the ROW is to have them placed underground. All new service cables need to be designed underground. Antennae and equipment attachment to poles will be evaluated with the following guidance:

- **Industrial Zoning** – Attachment to existing utility and/or new poles permissible with site design approvals.
- **Residential/Commercial Zoning** – No new poles. Existing utility poles permissible following strict height impact requirements, required make-ready work, and equipment attachments detailed in site design application.
- **Historic District** – No new utility poles. Private property attachment design preferred. Integrated “smart” streetlight pole would be evaluated if proposed.

Exceptions will follow strict administrative guidelines and may be submitted for Council approval when dictated by extraordinary circumstances.

**PART SIX:
SUBMISSION FORMAT AND DELIVERY REQUIREMENTS**

A. Instruction for Application Package Submission:

1. The ROW License Application Package must be submitted in hard copy, with the fully executed copy of the Applicant “Intent-to-Submit” Information Form being the first page in the first section of the overall document. Applicant shall also submit four (4) additional copies which may be photocopies of the original, five (5) copies total. In addition, the Applicant must submit one (1) exact electronic copy of the application package on a Compact Disc (CD) or Universal Serial Bus (USB) flash drive. Electronic files must be in MS Word or Adobe Acrobat format. The completed package shall be submitted by hand in a sealed envelope to:

**City of Fairfax, Virginia
Public Works Department
10455 Armstrong Street
City Hall Annex, Room 200
Fairfax, Virginia 22030**
2. The Applicant’s narrative responses shall address the information requested. The format shall be limited to the page size of 8 ½”x11”, single space and type size shall not be less than 10 point font for each response item. If a form is provided, please respond following the format of the form. Use multiple forms if necessary.
3. Design drawings to be submitted should be sized so that half-scale can fit on 11.5 x 17 paper to be folded and inserted into the binder. Full-size and scale drawings must be included in electronic format on the CD or USB drive.

**PART SEVEN:
SUBMISSION INFORMATION CHECKLIST**

ROW LICENSE AGREEMENT APPLICATION SUBMISSION PACKAGE

- 1) **Submission Type** (via INTENT form): NEW - (Full Application Submission)
AMENDMENT – (Complete “INTENT” form. Resubmit all revised sections below on submission date.)
- 2) **Licensee Information** (Brief narrative per each sub-item):
 - a. Company Information (Legal name, address, admin Point-of-Contact (POC), legal POC, technical POC)
 - b. Business Description (SCC Filing document/Annual Report)
 - c. Services Description (Services to be delivered from facilities placed)
 - d. Target Customer Types (Business, residential, both, within City, pass-through only)
- 3) **System-Level Technical Information** (Please thoroughly present deployment scope via appropriate narrative and requested maps and system drawings):
 - a. System Overview (Detailed description of equipment and facilities to be deployed within City/City ROW)

- b. Facilities Placement Map (Scale map of City that identifies all locations within City boundaries where facilities will be placed, both underground and overhead)
- c. Overhead Deployment Components Description (Equipment drawings, cables, structures)
- d. Overhead Deployment Methods Details (Existing utility poles, existing streetlights, proposed structures)
- e. Underground Deployment Components Description (Conduits, manholes, vaults, cables)
- f. Underground Deployment Methods Details (Lease existing conduits, place new conduits, placement methods)
- g. Power Connection Requirements (Service load, service type, provider, proposed sources, connectivity method)
- h. Communication Connection Requirements (Services required, provider, sources, connectivity method)

4) **Individual Site-Specific Design Plan Submission Requirements (Separate tab for each site in binder):**

- a. System Map:
 - o Scale map of City showing proposed equipment location of the site described
 - o Associated centralized communication hub site (if applicable),
 - o Proposed paths for interconnection between sites (and hub, if applicable)
- b. Detailed Overhead Site Plan (Separate plan per above-ground site):
 - o Completed "Site Design Summary" form as first sheet in design section tab for each site
 - o Site Plan set of sheets that include the following information:
 1. Vicinity map
 2. City zoning classification
 3. Scale plan sheet for all existing conditions showing (at a minimum) the target pole location, property-lines, ROW boundary, and all ROW existing infrastructure
 4. Required equipment drawings and cut sheets
 5. Pole owner
 6. Pole number
 7. Pole existing conditions drawing
 8. Pole final attachment configuration detailed drawing (Includes all required changes to existing utility attachments)
 9. Pole owner attachment agreement (Include pole owner point of contact information for license agreement)
 10. Dominion Energy service connection source point/path
 11. Communication provider and service source point/path
 12. Details of pole reconfiguration work ("make-work") required for all existing providers attached
 13. Include a structural load bearing study that determines whether the pole requires reinforcement or replacement in order to accommodate attachment of your additional facilities
- c. Detailed Underground Facilities Deployment Plans (If applicable):
 - o Scale drawing sheets showing planned facility routes
 - o Spec sheets for proposed manholes and/or vaults
 - o Conduit sizes and quantities
 - o Detailed drawings for any above-ground equipment proposed
 - o Power requirements/sources
 - o Communication requirements/sources
- d. 3rd Party Power Provider Details (Dominion Energy (DE)):
 - o Work Request number for project
 - o DE Point of contact
 - o Electric service delivery design details
 - o Adjacent pole impacts

- e. 3rd Party Communication Provider Details (If applicable):
 - o Provider name and point of contact
 - o Comm service type requirements
 - o Comm service source
 - o Connectivity requirements

**PART EIGHT:
APPLICATIONS FORMS**

See Following Sheets:

- 1) APPLICANT "INTENT-TO-SUBMIT" INFORMATION SHEET
- 2) ABOVE-GROUND SITE DESIGN SUMMARY COVER SHEET



RIGHT-OF-WAY LICENSE AGREEMENT

APPLICANT *"INTENT-TO-SUBMIT"* INFORMATION SHEET

- I. THE FULL LEGAL NAME OF THE FIRM OR ENTITY INTENDING TO SUBMIT A ROW LICENSE APPLICATION (OR APPLICATION AMENDMENT) MUST BE WRITTEN IN THE SPACE PROVIDED BELOW.
- II. THIS INFORMATION FORM, MUST BE FULLY AND ACCURATELY COMPLETED AND SIGNED BY A PERSON AUTHORIZED TO LEGALLY AND CONTRACTUALLY BIND THE POTENTIAL APPLICANT.
- III. THIS FORM SHALL INDICATE A COMMITMENT OF "INTENT TO SUBMIT" BY THE DATE INDICATED BELOW ON THE PART OF THE ENTITY SUBMITTING.
- IV. IF THE COMPLETED APPLICATION SUBMISSION PACKAGE IS NOT RECEIVED ON THE DATE PROVIDED, A NEW "INTENT" FORM MUST BE SUBMITTED WITH A SUBMISSION DATE NO EARLIER THAN TWO WEEKS FROM THE CURRENT DATE.

Check One:	
<input type="checkbox"/> NEW LICENSE APPLICATION	<input type="checkbox"/> EXISTING LICENSE AMENDMENT
LICENSE APPLICANT NAME: (Legal Name Of Entity)	SUBMITTED BY: (If different than Applicant)
FORMER NAMES: (Insert all other names that the Applicant has been known by in the past twenty (20) years)	
REQUESTED APPLICATION SUBMISSION DATE:	
NUMBER OF ABOVE-GROUND ROW WORK-SITES TO BE SUBMITTED:	
PRINCIPAL ADDRESS OF APPLICANT:	
MAIN TELEPHONE NO.	FAX NO.
CORPORATE WEBSITE	
DUNS NUMBER:	
FORM OF OWNERSHIP: _____ CORPORATION; _____ GENERAL PARTNERSHIP; _____ UNINCORPORATED ASSOCIATION; _____ LIMITED LIABILITY COMPANY; _____ LIMITED PARTNERSHIP; _____ SOLE PROPRIETORSHIP	
WHERE THE ENTITY WAS FORMED: (INSERT NAME OF STATE): _____	
IDENTIFICATION NO. ISSUED TO THE FIRM BY SCC: If entity is exempt from the SCC authorization requirement, then it shall include a statement on the entity's letterhead with this form, certifying their exemption from this requirement.	
CONTACT PERSON AND MAILING ADDRESS FOR DELIVERY OF NOTICES: Provide the contact information of the person designated by the Applicant to receive notices and other communications (Refer to the Sample Agreement for further details): Name: _____ Mailing Address: _____ Phone Number: _____ Email: _____	
THE UNDERSIGNED SWEARS OR AFFIRMS UNDER THE PENALTY OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE INFORMATION PROVIDED ABOVE ARE TRUE AND CORRECT. NAME AND TITLE OF APPLICANT'S REPRESENTATIVE: _____ SIGNATURE OF APPLICANT'S REPRESENTATIVE: _____	

**CITY OF FAIRFAX
ABOVE-GROUND
SITE DESIGN SUMMARY COVER SHEET**

Submitted by: _____ Submission Date: _____

ROW Licensee: _____ License#(TBD if new): _____

Licensee Site ID #	Communication Site GIS Coordinates	Type of Communication Facility
		[Wireless Communication Equipment] [Wireless Backhaul Equipment] [Landline Backhaul Equipment]

If Wireless Communication Equipment or Wireless Backhaul Equipment:

Pole Type/Owner	Pole Modifications	Attachment Height	Attachment Weight	Attachment Dimensions	Location of Equipment Shelter
[Private Pole] [Utility Pole] [Licensee Pole] [Not Applicable]	[Pole Reinforcement] [Pole Replacement] [New Pole] [Not Needed]				[Installed on Pole] [Any above ground equipment placed on ground requires additional City approvals]

APPLICANT SHALL PROVIDE THE FOLLOWING INFORMATION AS SPECIFIED ON THE SUBMISSION INFORMATION CHECKLIST:

- Site plan and engineering design and specifications for installation of Communication Facility, including the location of radios, antenna facilities, transmitters, equipment shelters, cables, conduit, point of demarcation, backhaul solution, electrical distribution panel, electric meter, and electrical conduit and cabling. Where applicable, the design documents should include specifications on design, pole modification, and ADA compliance.
- For ALL poles, include documentation from the Owner verifying that the specific pole is eligible for attachment. Also include a load bearing study that determines whether the pole requires reinforcement or replacement in order to accommodate attachment of Communication Facility. If pole reinforcement or replacement is warranted, the design documents should include the proposed pole modifications.
- If the proposed installation will require reinforcement or replacement of an existing pole, provide applicable design and specification drawings.
- The number, size, type and proximity to the facilities of all communications conduit(s) and cables to be installed.
- Description of the utility services required to support the facilities to be installed.
- All necessary permits and letters of authorization from all affected parties.
- List of the contractors and subcontractors, and their contact information, authorized to work on the project.

THE CITY WILL PROCESS ROW PERMIT APPLICATIONS FOR SITES THAT RECEIVE PRIOR DESIGN APPROVAL AS PART OF THE ROW LICENSE APPLICATION OR LICENSE AMENDMENT PROCESS. ROW PERMIT APPLICATIONS FOR WORK SITES AND DESIGNS NOT PREVIOUSLY APPROVED AS PART OF A ROW LICENSE APPLICATION SUBMISSION PACKAGE, REQUIRE A LICENSE AMENDMENT DESIGN SUBMISSION AND APPROVAL.

APPLICANT REPRESENTATIVE: _____

PRINT NAME: _____

TITLE: _____

----- **FOR CITY USE ONLY** -----

RECEIPT DATE: _____ APPLICATION NO.: _____

APPROVED BY: _____

PRINT NAME: _____

TITLE: _____

APPROVAL DATE: _____

**PART NINE:
SAMPLE LICENSE AGREEMENT**

FOLLOWING THIS PAGE IS THE DRAFT GENERAL AGREEMENT THAT WILL BE ENTERED INTO BETWEEN THE CITY AND THE APPLICANT. THE AGREEMENT IS INCLUDED WITH THIS APPLICATION FOR APPLICANT REVIEW AND COMMENT. THIS AGREEMENT IS SUBJECT TO FINAL LANGUAGE CONSENSUS BY THE CITY ATTORNEY AND APPLICANT. AGREED UPON LANGUAGE WILL BE SUBMITTED TO THE CITY COUNCIL FOR REVIEW AND APPROVAL. PRIOR TO EXECUTION BETWEEN THE CITY AND APPLICANT