
INSTRUCTIONS: WTF RIGHT-OF-WAY PLACEMENT PERMIT APPLICATIONS

1. The issuance by the City of a permit to place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way ("WTF right-of-way placement permit") is a mere privilege that authorizes the permissive use of the public right-of-way for the placement and maintenance of the WTF only. The issuance of a WTF right-of-way placement permit and the placement of such facility in accordance therewith does not create or vest any property right in the applicant, or any other party, or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.
2. The applicant must be a telephone company that has completed a registration application approved by the City in accordance with Section 12-21 of the Code of the City of Alpharetta ("City Code") and O.C.G.A. § 46-5-1. Such registration must be current and in compliance with the provisions of Sec. 12-21 of the City Code and O.C.G.A. § 46-5-1 at the time of submittal of the application.
3. **Prior to submitting an application for a WTF right-of-way placement permit, the applicant must complete a pre-application meeting.** The applicant should bring one copy of the completed submittal package with all required plans and supporting materials to the meeting.
4. Prior to submittal, please review all information supplied in this application to ensure that all spaces are filled out completely and accurately and that all required supporting materials have been provided.
5. Two full-size sets of any drawings, surveys, and any other oversized materials shall be included with the original application. The additional copies of these documents shall be submitted at a size no greater than 11" x 17" and shall each be folded to a size not to exceed 8.5" x 11".
6. Applications for a WTF right-of-way placement permit are subject to the review and approval of the Director of Public Works, but **must be submitted to the Community Development Department**.
7. Please be aware that City regulations governing the placement of wireless telecommunications facilities in the public right-of-way supplement and are in addition to other regulations and guidelines applicable to the use of public rights-of-way in the City, including the requirement to obtain a right-of-way or utility facility encroachment permit. In addition to the valid issuance of a WTF right-of-way placement permit, an applicant/registrant must apply for and obtain a right-of-way or utility facility encroachment permit from the City prior to constructing or installing any facilities in the public right-of-way.
8. Applicant is responsible for verifying the limits of public right-of-way and obtaining any construction easements necessary to construct or install the wireless telecommunications facility.
9. Applicant acknowledges that as a condition of granting such permits, the City may impose reasonable terms and conditions governing the placement or maintenance of a wireless telecommunications facility in public rights-of-way.

CHECK LIST: WTF RIGHT-OF-WAY PLACEMENT PERMIT APPLICATIONS

*This document is provided as a resource for the applicant to assist with preparing the application submittal package. Please note that all applicable items are due at the time of application submittal. **Incomplete applications will not be accepted.***

Required Item	Number of Copies
<u>Required Of All Applicants</u>	
<input type="checkbox"/> Registered as Telephone Company per Sec. 12-21 of City Code	N/A
<input type="checkbox"/> Registration is Current and Compliant	N/A
<input type="checkbox"/> Pre-Application Review Meeting	N/A
<input type="checkbox"/> Completed Application Form with Review Criteria	One (1) original and two (2) copies
<input type="checkbox"/> Identify WTF Owner/Operator and Wireless Provider/Carrier	
<input type="checkbox"/> Project Description/ Letter of Intent	One (1) original and two (2) copies
<input type="checkbox"/> Narrative	One (1) original and two (2) copies
<input type="checkbox"/> Owner Authorization Form	One (1) original and two (2) copies
<input type="checkbox"/> Full-Size Site Plan with Site Plan Checklist	One (1) original and two (2) copies
<input type="checkbox"/> Photo Simulations and Visual Impact Analysis	Two (2) originals and two (2) copies
<input type="checkbox"/> Design Description and Specifications	One (1) original and two (2) copies
<input type="checkbox"/> Description of Construction	One (1) original and two (2) copies
<input type="checkbox"/> Estimate of Cost to Restore ROW (if applicable)	
<input type="checkbox"/> Traffic Maintenance Plan (if applicable)	One (1) original and two (2) copies

Required Item	Number of Copies
<input type="checkbox"/> Identification of Facilities in Right-of-Way	One (1) original and two (2) copies
<input type="checkbox"/> WTF Inventory	One (1) original and two (2) copies
<input type="checkbox"/> Evidence of Need Report	One (1) original and two (2) copies
<input type="checkbox"/> Certification of Engineer	One (1) original and two (2) copies
<input type="checkbox"/> Certificate of Insurance	One (1) original and two (2) copies
<input type="checkbox"/> Supplemental Information	One (1) original and two (2) copies
May Be Required (See Following Page For Details)	
<input type="checkbox"/> Supplemental Information (requested by the City)	One (1) original and two (2) copies
<input type="checkbox"/> Performance Bond	One (1) original and two (2) copies

OVERVIEW OF CHECK LIST ITEMS

Registration

The applicant must be a telephone company that has completed a registration application approved by the City in accordance with Section 12-21 of the Code of the City of Alpharetta ("City Code") and O.C.G.A. § 46-5-1. Such registration must be current and in compliance with the provisions of Sec. 12-21 of the City Code and O.C.G.A. § 46-5-1 at the time of submittal of the application.

Pre-Application Review Meeting

Prior to submitting an application for a permit place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way ("WTF right-of-way placement permit"), applicants must meet with representatives of the Community Development Department and Public Works Department to review the applicant's proposal and site plan and complete a pre-application review. Please call 678-297-6073 to schedule an appointment.

Application Form

The applicant is required to submit one (1) original and two (2) copies of the application form. Each copy of the application form will have attached to it a complete set of all required supporting materials (site plans, drawings, photo simulations etc.) and must be bound or stapled. The original application form and supporting materials should be unbound.

WTF Owner/Operator and Wireless Provider/Carrier

The name of the respective parties that will own, operate and be responsible for the maintenance of the proposed WTF and the name of the wireless provider and/or carrier that such WTF will serve.

Project Description/Letter of Intent

The written project description should provide a general description of the existing land use setting, existing site features, the type of wireless telecommunications facility proposed, including whether any ground-mounted equipment cabinets are proposed, visibility from public rights-of-way and properties with 'For-Sale' dwelling uses, concealment elements and other design features, on and off-site access, landscaping, and other components of the proposed facility. The Letter of Intent should include factual details about the proposed use and its visual and aesthetic impact. The Letter of Intent should also provide the additional authorizations, if any, applicant must obtain prior to the installation, collocation or modification of the proposed facility.

Narrative

The written narrative must be technically accurate and reliable, explaining the nature of the permit sought (new installation, collocation, or modification) and further state whether the applicant believes (and if so, the basis therefor) that the application or proposed WTF is subject to: (a) the provisions of 47 U.S.C. section 332(c)(7), and if so, who the entity is that will be providing personal wireless services; (b) O.C.G.A. § 36-66B-1, *et seq.* (the BILD Act), and if so, why its proposal fits each and every criteria set forth therein; and/or (c) 47 U.S.C. § 1455(a), and if so, why its proposal fits each and every criteria for a Section 6409(a) modification (See, Section 2.8.9 of UDC). The City's acceptance or approval of an application and/or issuance of a permit shall not be deemed or otherwise construed to constitute approval or agreement with the applicant's statements regarding the applicability of any such federal or state statutes, laws and regulations.

Owner Authorization

Original and notarized signatures of the applicant and owner(s) of any existing utility pole, street light standard or other support structure for any proposed attached WTF or collocation or a notarized letter of authorization from such property owner(s), which demonstrates knowledge and acceptance of the applicant's proposed wireless telecommunications facility and use on the subject property, are required. If a contract is used in lieu of the owner's signature, the signature on the contract must be an original and the contract must be valid for the duration of the proposed installation or construction. See the application form for additional details.

Site Plan Check List

The Site Plan Checklist (included in this package) details the minimum requirements for site plans submitted in support of an application for a WTF right-of-way placement permit. Applications that include site plan documents that do not meet these requirements will not be accepted. Site plans must be drawn to scale, and the scale must be displayed in the lower left corner of the plan page. Prior to submitting an application, a review of the draft site plan, drawings and other related materials will be conducted as part of the pre-application review meeting. Site plans must be drawn to scale, and the scale must be displayed on the plan page. The maximum page size for original full-size site plan documents is 30" x 42".

Copies of Site Plan

The applicant must attach a site plan on paper no larger than 11" x 17" and folded to a maximum size of 8.5" x 11" to each submitted copy of the application packet.

Photo Simulations and Visual Impact Analysis

Photo simulations of the WTF, which show the proposed facility from at least four (4) directions within the surrounding area and depict the visibility of WTF from public right-of-way are required. Photo simulations must include "before" and "after" renderings of the site, its surroundings, the proposed WTF and antennas at maximum height, and any other structures, vegetation, or topography that will conceal or screen the proposed WTF from visibility. Detailed drawings or renderings of the proposed WTF, which further provide the manner in which the proposed facility will be enclosed, camouflaged, screened, and/or obscured to meet the prescribed visibility requirements, are also required. Applicant should include such other visual information, as necessary, to determine the visual impact of the proposed wireless telecommunications facility on the existing setting and compliance with the prescribed design standards.

Design Description and Specifications

Written explanation and drawings to describe and depict the proposed wireless telecommunications facility, including the following:

Description of the WTF's components and design (including dimensions, colors, and materials), including, but not limited to, accessory equipment, equipment cabinets, concealment enclosures, and the number, direction, and type of antennas (including antenna concealment enclosures);

Front, side, and rear elevation plans showing the proposed WTF, including the support structure, antennas, concealment enclosures, accessory equipment, and all ground-mounted wireless transmission equipment; and

Manufacturer specifications, schematics, renderings, and illustrations of the proposed design of the WTF, including, but not limited to, samples of colors and materials of any proposed concealment elements.

Description of Construction

Written explanation to describe the manner in which the WTF will be installed (i.e. anticipated construction methods and/or techniques) and the timetable for construction of the project or each phase thereof, and the areas of the City which will be affected. When required by the Director of Public Works, an estimate of the cost to restore and repair potential damages to the right-of-way and infrastructure located therein shall be provided.

Traffic Maintenance Plan

A traffic maintenance plan for any disruption or obstruction of the public rights-of-way (if applicable).

Identification of Facilities in Right-of-Way

Written explanation, site plan and/or plat, and drawings (or other visual information) to describe, locate and depict all utility poles, electrical transmission towers, street light fixtures, traffic control signals and devices, and other above-ground structures, fixtures, facilities and equipment currently existing in the area of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, if available, including, but not limited to, those owned or used by public utilities, electric membership corporations, electric cooperatives, or the City (such information shall be provided without certification as to correctness, to the extent obtained from other persons with fixtures, facilities or equipment in the public rights-of-way).

WTF Inventory

Written inventory of all existing wireless telecommunications facilities located in the areas of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, including any wireless transmission equipment or support structures that applicant or its predecessor(s) in interest has previously placed or which are otherwise used by the applicant, and, to the extent such information is available, any wireless transmission equipment or support structures which are owned or used by other wireless providers (such information shall be provided without certification as to correctness, to the extent obtained from other persons with WTF's in the public rights-of-way);

Evidence of Need Report

If required in accordance with City requirements due to the type of WTF proposed, applicant shall provide an Evidence of Need Report, which shall include sufficient information to demonstrate that existing WTF's, existing utility poles and/or existing street light standards in the public right-of-way, as applicable, cannot reasonably accommodate the applicant's need. The Evidence of Need Report must include a written analysis of the ability or inability to locate wireless transmission equipment

on existing WTF's, utility poles and/or street light standards in the public right-of-way, including detailed reasons as to why existing WTF's, utility poles or street light standards cannot reasonably accommodate its need and any studies supporting same.

Certification of Engineer

Certification from a professional civil and/or structural engineer (licensed in the State of Georgia) that the proposed antenna attachment device and/or support structure meet the applicable design standards for wind loads and have structural integrity to accommodate the proposed use.

Certificate of Insurance

Prior to placing a WTF in the public right-of-way or otherwise performing any work in the public right-of-way, applicant shall furnish the City with certificates of insurance, which shall indicate insurance limits, term of insurance, insured parties, and other information sufficient to demonstrate conformance with the requirements provided in Section 2.8.10 of the UDC. All liability policies shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties.

Supplemental Information

Additional information and items necessary for review in order to confirm compliance with prescribed standards and requirements, as reasonably determined and requested by the Director of Public Works or as otherwise required herein, or which is otherwise relied on by applicant to support approval of its application by the City, must be provided. Such information may be identified during the pre-application meeting.

Performance Bond

When necessary due to the estimated costs to repair and restore potential damages to infrastructure located in the right-of-way and/or the estimated costs to remove the WTF, or when warranted by unique circumstances related to the installation of the WTF, as reasonably determined by the City, a performance bond, irrevocable letter of credit, or other acceptable form of surety (as determined by the City) payable to, in favor of, and for the protection of the City shall be required as a condition of a WTF right-of-way placement permit.

SITE PLAN CHECK LIST

*This document is provided as a resource for the applicant to assist in the preparation of site plans to be submitted with the application package for a wireless telecommunications facility right-of-way placement permit. The items listed below reflect the **minimum** information that must be included on all site plans submitted as part of the administrative review process.*

Elements Description

- Key and/or legend and site location map with North arrow.
- Location of land lot lines and identification of land lots.
- Current zoning of adjacent properties.
- The location and dimensions of the entire site area and the exact location of the support structure and ground-mounted equipment cabinets.
- Existing utility poles, electrical transmission towers, street light fixtures, traffic control signals and devices, and other above-ground structures, fixtures, facilities and equipment located in the areas of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way.
- Existing wireless telecommunications facilities located in the areas of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way.
- Existing and proposed landscaping and other development or site features.
- Existing, proposed, and future reserved rights-of-way of all streets, roads, and rail lines in the areas of the public right-of-way to which the permit application applies.
- Proposed access driveways and the available intersection sight distance (according to AASHTO Green Book).
- Existing buildings, driveways, fences, utility equipment, wireless telecommunications facilities, and any other structures or improvements located on adjacent property.
- Topography of subject site.
- Existing setbacks and buffers.
- 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps. Wetlands shown on GIS maps or survey.
- Tree lines, woodlands, significant trees with critical root zones (1.3 x trunk diameter), and open fields on subject site.
- Required and proposed stormwater management facilities (if applicable) and existing lakes, streams, and other waters on the site and associated buffers.
- Existing driveways located within 150 feet of the subject property on adjacent or nearby parcels (including those parcels on the opposite side of a public street).

CITY OF ALPHARETTA

FOR OFFICE USE ONLY

APPLICATION FOR ADMINISTRATIVE APPROVAL OF WIRELESS TELECOMMUNICATIONS FACILITY (WTF) RIGHT-OF-WAY PLACEMENT PERMIT

Case #: _____

Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

1. ***This page should be the first page in each of your completed application packets.***
2. It is preferred that all responses be typed. ***Illegible applications will not be accepted.***
3. ***Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted or further reviewed for approval in accordance with applicable law.***
4. ***Applications must be submitted to the Community Development Department and will be accepted only between the hours of 8:30 AM and 3:30 PM. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.***

Applicant Information:

Applicant's Name: _____

Representative/Contact Name: _____ Telephone: _____

Address: _____ City: _____ State: _____ Zip: _____

Mobile Tel: _____ Email: _____

I hereby swear and attest that the information provided in this application for Administrative Approval of Wireless Telecommunications Facility (WTF) Right-Of-Way Placement Permit is, to the best of my knowledge, true and correct. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by Section 2.8 of the Unified Development Code of the City of Alpharetta, Georgia.

Applicant Signature: _____ Date: _____

Registration Information (Check All That Apply):

Applicant is a telephone company registered with and approved by the City per Sec. 12-21 of the City Code and O.C.G.A. § 46-5-1.

Such registration is current and in compliance with the provisions of Sec. 12-21 of the City Code and O.C.G.A. § 46-5-1.

Location of Right-of-Way Information (where above-ground facilities are to be placed):

Address: _____ Current Zoning: _____

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Current Use: _____

This Application Is For (Check All That Apply):

Concealed Utility Pole-Mounted WTF

Faux Streetlight Facility

Concealed Streetlight-Mounted WTF

Collocation

Modification

Other (Specify): _____

WTF OWNER/OPERATOR & WIRELESS PROVIDER/CARRIER

Please enter the following information:

Owner of Wireless Telecommunications Facility:

Name of Owner: _____

Contact Name: _____

Telephone: _____

Address: _____

Suite: _____

City: _____

State: _____

Zip: _____

Email: _____

Owner is a Wireless Provider or Wireless Carrier (*please check applicable box*): Wireless Provider

Wireless Carrier

Operator of Wireless Telecommunications Facility:

Please check if same as above.

Name of Operator: _____

Contact Name: _____

Telephone: _____

Address: _____

Suite: _____

City: _____

State: _____

Zip: _____

Email: _____

Operator is a Wireless Provider or Wireless Carrier (*please check applicable box*): Wireless Provider

Wireless Carrier

Other Wireless Provider or Wireless Carrier that Proposed WTF is Intended to Serve:

Name of Wireless Provider/Carrier: _____

Contact Name: _____

Telephone: _____

Address: _____

Suite: _____

City: _____

State: _____

Zip: _____

Email: _____

Entity is a Wireless Provider or Wireless Carrier (*please check applicable box*): Wireless Provider

Wireless Carrier

APPLICANT'S REQUEST AND INTENT

Applicant's Request:

Summary of Project Description and Intent (*Please attach Project Description/Letter of Intent hereto*):

Summary of Narrative regarding nature of permit sought and whether Applicant believes (and, if so, the basis therefor) the application or proposed WTF is subject to the provisions of 47 U.S.C. § 332(c)(7), O.C.G.A. § 36-66B-1, *et seq.* (the BILD Act), and/or 47 U.S.C. § 1455(a) (*Please attach Narrative hereto*):

Summary of Evidence of Need Report (*Please attach Evidence of Need Report hereto*):

PROPERTY OWNER AUTHORIZATION

Owner of Property (Utility Pole, Streetlight or other Support Structure) Information:

Contact Name: _____ Telephone: _____

Address: _____ Suite: _____

City _____ State: _____ Zip: _____

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner of the below-described property (e.g., utility pole, streetlight) which is the subject of the attached Application for Administrative Approval of a Wireless Telecommunications Facility Right-of-Way Placement Permit by the City of Alpharetta, Georgia:

(Identification and description of subject property)

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of an administrative permit from the City of Alpharetta, Georgia for the item(s) indicated below:

- | | |
|---|---|
| <input type="checkbox"/> Concealed Utility Pole-Mounted WTF | <input type="checkbox"/> Collocation |
| <input type="checkbox"/> Concealed Streetlight-Mounted WTF | <input type="checkbox"/> Modification |
| <input type="checkbox"/> Faux Streetlight Facility | <input type="checkbox"/> Other (Specify): _____ |

Identify Authorized Applicant:

Name of Authorized Applicant: _____ Telephone: _____

Address: _____ Suite: _____

City _____ State: _____ Zip: _____

So Sworn and Attested:

Owner Signature: _____ Date: _____

Notary:

Notary Signature: _____

Date: _____

WTF PERMIT ADMINISTRATIVE REVIEW CRITERIA

On a separate sheet or sheets, please: (i) explain how the proposed wireless telecommunications facility complies with all standards for approval, factors for consideration, guidelines, standards and requirements set forth in Section 2.8.10 of the Unified Development Code; and (ii) provide any information or evidence that supports your request and the statements that you have provided in this application or which is otherwise necessary for review by the City to confirm compliance with Section 2.8.10 of the Unified Development Code.

GENERAL CONDITIONS

Applicant (also referred to herein as "registrant") acknowledges and agrees to the following:

1. A WTF right-of-way placement permit issued by the City is a mere privilege that authorizes the permissive use of the public right-of-way for the placement and maintenance of the WTF only. The issuance of a WTF right-of-way placement permit and the placement of such facility in accordance therewith does not create or vest any property right in the applicant, or any other party, or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.
2. Other Government Approvals. An applicant shall be required to obtain any and all approvals that may be required by any state or federal governmental unit, department or agency related to the use of right-of-way under its jurisdiction.
3. Conditional Use of Public Right-of-Way.
 - a. The City shall retain the right, without limitation, to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the limits of the City. Neither the approval of WTF right-of-way placement permit nor any provision set forth in this Section 2.8.10 shall affect the City's authority to add, modify, vacate or abandon public rights-of-way.
 - b. If a registrant desires to use any of its wireless telecommunications facilities for the purpose of providing any other services other than the provision of communications service, including utility or non-utility services to existing or potential consumers or resellers, or by providing any other use to existing or potential consumers, a registrant shall seek such additional and separate authorization from the City and other governmental or regulatory authorities as may be required by applicable law.
 - c. A registrant, or any person that leases or otherwise uses the wireless telecommunications facilities of a registrant, that has been issued a WTF right-of-way placement permit or that has otherwise been authorized to place a WTF in the public rights-of-way of the City shall not make or assert any claim, right, or cause of action or take any other action against the City that will impede the lawful exercise of the City's rights, including requiring the removal or relocation of such facilities from the public rights-of-way of the City, notwithstanding the effect of same on registrant's ability to place or maintain wireless telecommunications facilities in public rights-of-way of the City.
4. Removal and Relocation. Notwithstanding the issuance of a WTF right-of-way placement permit, the City shall have the authority to order the removal and relocation of a WTF located in the public right-of-way that in the reasonable opinion of the City constitutes an obstruction or interference with the construction, maintenance, use, or safe operation of the roadway. Any registrant owning a wireless telecommunications facility located within or adjacent to any part of the public right-of-way or public road which the City or Georgia Department of Transportation (GDOT) has undertaken to improve or intends to improve shall, at registrant's sole cost and expense, remove, relocate, or make the necessary adjustments to its wireless telecommunications facility when, in the reasonable opinion of the City or GDOT, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the City or GDOT, the facility will interfere with such contemplated construction or maintenance. Removal or relocation of a wireless telecommunication facility at the direction of the City or GDOT shall be subject to and governed by the applicable provisions of O.C.G.A. §§ 32-4-92, 32-6-171 and 32-6-173, as amended, which shall include the provision of a minimum of sixty (60) days' notice of the required removal or relocation.
5. All Rights of City Reserved. Notwithstanding any provision of this Section 2.8.10 or the City's issuance of a permit or other authorization to place a WTF in the public right-of-way, the City may place and maintain, grant utility easements for, or otherwise permit the placement and maintenance of other utilities in the public rights of way, including water, sewer, electric, gas, storm drainage, telecommunications, traffic, and other utilities and facilities, cables or conduit, including underground and overhead installations, in public rights-of-way occupied by the registrant. Registrant may allow City facilities to be co-located within City's public rights-of-way through the use of a joint trench during registrant's construction project. Such joint trench projects shall be negotiated in good faith by separate agreement between registrant and City and may be subjected to other City rights-of-way requirements. The City further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the City.
6. Restoration of ROW. The area disturbed by the construction or maintenance of a WTF in the public right-of-way shall be kept to a minimum. The registrant shall, at its own expense, restore all right-of-way to a condition equal to or better than the condition existing prior to such construction or maintenance activities. Restoration methods and any work required to repair the right-of-way shall be performed in accordance with City Design Standards or other City-adopted standards and specifications applicable to the construction of City improvements within the public right-of-way. In the absence of any City standards and specifications applicable to the subject work or improvement(s), the materials and methods of construction shall be in accordance with GDOT's current standards and specifications, including GDOT Standard and Supplemental Specifications and/or Special Provisions, and Construction Standards and Details. All repairs and restoration work must be approved by the Director of Public Works and final completion of any such work is subject to the reasonable approval of the Director of Public Works. If necessary, unsatisfactory restoration work shall be corrected by the registrant, or by the City with all costs billed to the registrant.
7. Registrant shall at all times keep the wireless telecommunications facility authorized by the WTF right-of-way placement permit in a good state of repair from the standpoint of both structure and appearance.
8. Compliance with Applicable Law; Acceptable Industry Practices. Registrant shall place and maintain a wireless telecommunications facility in public rights-of-way in compliance with all applicable standards as established by all local, state or federal law and in conformance with the City ordinances, codes and regulations. All safety practices required by applicable City, local, state and federal law or accepted industry practices and standards shall be used during the placement or maintenance of wireless telecommunications facilities in the public right-of-way. Registrant shall use and exercise due caution, care and skill in performing work in the public rights-of-way and shall take all reasonable steps to safeguard work site areas. A registrant shall maintain all of its WTF's located in the public rights-of-way in a manner consistent with accepted industry practice and applicable law.
9. Scheduling. In the interest of the public's health, safety and welfare, upon request of the City, a registrant shall coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public rights-of-way. The City may require a registrant to alter reasonably its placement or maintenance schedule for permitted work as necessary so as to minimize disruptions and disturbance in the public rights-of-way. The City may provide a more definite time frame based on specific City construction or maintenance schedules.

GENERAL CONDITIONS

10. **Registrant's Liability and Risk.** City makes no warranties or representations regarding the fitness, suitability or availability of public rights-of-way for the registrant's wireless telecommunications facilities and any performance of work or costs incurred by registrant or provision of services shall be at registrant's sole risk. Nothing in this article shall affect the City's authority to add, vacate or abandon public rights-of-way and City makes no warranties or representations regarding the availability of any added, vacated or abandoned public rights-of-way for wireless telecommunications facilities. Notwithstanding any requirements or conditions the City Engineer may impose in order to protect the public from injury and the right-of-way from damage, a registrant shall be solely responsible for the adequacy and safety of the engineering of its facilities and the operations authorized by the permit. Construction performed to place or maintain a registrant's wireless telecommunications facilities shall not interfere, displace, damage or destroy any other utilities or facilities, including but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the City or any other person's facilities lawfully occupying the public rights-of-way of the City.
11. **Inspection.** The City shall have the right to make such inspections of facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this Section. In the event the City determines that a violation exists with respect to registrant's placement or maintenance of facilities in the public rights-of-way that is not considered to be an emergency or danger to the public health, safety or welfare, the City will provide registrant written notice setting forth the violation and requesting correction.
12. **As-Builts Plans.** An application for a WTF right-of-way placement permit, including an application to replace an existing WTF in the public right-of-way, shall include plans showing the location of the proposed installation of facilities in the public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised plans. Further, the registrant shall provide "as-builts" upon completion of any installation or construction. The plans shall be in a digitized format showing the two-dimensional location of the facilities based on the City's geographical database, or other format acceptable to the City. The registrant shall provide such plans at no cost to the City.
13. **Cooperation.** Subject to applicable law, a registrant shall, on the request of any person holding a permit issued by the City, temporarily support, protect, raise or lower its wireless telecommunications facilities to permit the work authorized by the permit. The expense of such temporary support, protection, raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than thirty (30) days advance written notice to arrange for such temporary measures. If the City requests the temporary support, protection, raising or lowering of a facility for a public purpose, the City shall not be charged for the temporary support, protection, raising or lowering of the facility.
14. **Due Compensation.** A registrant that places or maintains wireless telecommunications facilities in the public rights-of-way shall be required to pay "due compensation" to the City as required by applicable City and State laws, ordinances and regulations.
15. **Additional Terms and Conditions of Permit.** Registrant, in accepting the permit, agrees to abide by the terms and conditions thereof. The placement of the WTF must fully comply with this Section 2.8.10, and any other requirements that the Director of Public Works may stipulate. Registrant shall review the permit for additional requirements and, if not in agreement, may withdraw the permit application by written request prior to the placement of the WTF covered by the permit. The registrant, in accepting the permit, agrees to abide by the terms and conditions thereof. Failure to comply with terms of the permit during the installation, operation and maintenance of the WTF may result in revocation of the permit and removal of the WTF.
16. **Insurance.** A registrant shall, at registrant's own expense, obtain and continuously maintain for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the public right-of-way, and also during such future periods of time when operations are performed involving the maintenance, repair, relocation, or removal of said facilities authorized by the permit, insurance of the kind and in the minimum amounts described herein. Prior to placing a WTF in the public right-of-way or otherwise performing any work in the public right-of-way, registrant shall furnish the City with certificates of insurance, which shall insurance limits, term of insurance, insured parties, and other information sufficient to demonstrate conformance with the requirements provided herein. All insurance coverages required herein shall be procured and maintained with insurers with an A- or better rating as determined by Best's Key Rating Guide and with a financial size rating of Class V or larger. All liability policies shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties. The required coverages must be evidenced by properly executed certificates of insurance forms. Every policy of insurance shall provide that the City will receive notice no less than thirty (30) calendar days prior to any cancellation, termination, or a material change in such policy. Registrant shall ensure that any and all policies of insurance procured hereunder shall provide for a waiver of subrogation against the City, and registrant waives any claim against the City which is covered by its insurance hereunder. No policy of insurance shall contain any exclusion for bodily injury or property damage arising from completed operations. The minimum required insurance coverages and respective limits of coverage are as follows:
 - a. Worker's compensation insurance in accordance with statutory limits and covering all employees and other persons as established and required by Georgia law. A group-insurer must submit a certificate of authority from the Insurance Commissioner approving the group insurance plan. A self-insurer must submit a certificate from the Georgia Board of Workers' Compensation stating that the registrant qualifies to pay its own workers' compensation claims. Registrant shall require all contractors using the public right-of-way or performing work under the permit to obtain an insurance certificate showing proof of workers' compensation insurance, and registrant shall submit a certificate on its letterhead to the City providing that all contractors performing work in the public right-of-way are covered by workers' compensation insurance.
 - b. Employers' liability insurance with minimum limits of (a) One Million Dollars (\$1,000,000) per accident for bodily injury by accident and (b) One Million Dollars (\$1,000,000) per employee for bodily injury by disease. Registrant shall require all contractors using the public right-of-way or performing work under the permit to obtain an insurance certificate showing proof of employers' liability insurance coverage and shall submit a certificate on its letterhead to the City providing that all contractors performing work in the public right-of-way are covered by employers' liability insurance.
 - c. Comprehensive general liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate which shall include coverage for bodily injury, broad form property damage (including completed operations coverage), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. Further, the policy shall be endorsed to provide "all risks" coverage. The policy shall contain a severability of interests provision. Coverage shall be provided on an "occurrence" basis as opposed to a "claims made" basis and must include separate aggregates for each permit.
 - d. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury of not less than One Million Dollars (\$1,000,000) per occurrence and property damage of not less than One Hundred Thousand Dollars (\$100,000) per occurrence with respect to each of registrant's or its contractor's owned, hired and non-owned vehicles assigned to or used to place or maintain facilities in the public right-of-way.

GENERAL CONDITIONS

- e. Umbrella/excess liability insurance with minimum combined single limits of Two Million Dollars (\$2,000,000) per occurrence and Four Million Dollars (\$4,000,000) in the aggregate. Such policy shall provide the same coverage set forth in the Comprehensive General Liability insurance policy, and coverage shall be provided on an "occurrence" basis. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties.
17. Indemnification. A registrant shall indemnify and hold harmless the City, its elected officials, officers, agents and employees, from and against any and all claims, demands, losses, liabilities, suits, actions, costs, expenses (including expenses of litigation and attorneys' fees) and damages ("Claims") of any type or nature, arising out of the construction, installation, maintenance, repair, removal, relocation, operation, or use of its wireless telecommunications facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Section, provided, however, that a registrant's obligation hereunder shall not extend to any Claims caused by the sole negligence of the City. This indemnification extends to the successors and assigns of registrant and survives the termination or revocation of the permit and the dissolution or, to the extent allowed by law, the bankruptcy of the registrant. This indemnification does not extend beyond the scope of the permit and the uses or work undertaken thereunder.
18. Performance Bond. When necessary due to the estimated costs to repair and restore potential damages to infrastructure located in the right-of-way and/or the estimated costs to remove the WTF, or when warranted by unique circumstances related to the installation of the WTF, as reasonably determined by the City, a performance bond, irrevocable letter of credit, or other acceptable form of surety (as determined by the City) payable to, in favor of, and for the protection of the City shall be required as a condition of a WTF right-of-way placement permit. Such bond or surety shall secure the restoration of the public rights-of-way and ensure the registrant's faithful performance of the installation of the WTF and performance of other work in the public rights-of-way in accordance with the WTF right-of-way placement permit (or any related permit), this Section 2.8.10, or other applicable law, regulation or requirement of the City. The term of any such performance bond, irrevocable letter of credit, or other form of surety shall be for the period of time required to complete the installation of the facilities authorized by the WTF right-of-way placement permit and to restore the public right-of-way, and shall extend for an additional twelve (12) month period to cover any warranty/guarantee period related to the repair and restoration of any infrastructure located in the right-of-way. The amount of the performance bond, letter of credit, or other form of surety shall be limited to an engineering estimate of the costs to repair and restore potential infrastructure damages and remove the installation or facilities installed by registrant. The bond shall be written by a Surety Company or Bank duly qualified and licensed to do business in the State of Georgia. A registrant shall not commence the installation of any portion of a WTF authorized pursuant to a WTF right-of-way placement permit until the performance bond, letter of credit, or other acceptable surety has been submitted to and approved by the City. In the event the WTF installed by registrant fails to comply with the WTF right-of-way placement permit (or any related permit) or any provision of this Section 2.8.10, registrant fails to complete the installation of the WTF, or registrant fails to complete all restoration work in the public right-of-way as required, the City may declare registrant in default and, in accordance with the provisions of the bond or surety agreement, the City may call the bond/surety agreement, or any part thereof, and use the proceeds thereof to perform the work necessary to correct the subject condition. The rights of the City with respect to any performance bond or surety agreement pursuant to this subsection are in addition to all other rights and remedies the City may have in accordance with other City ordinances, codes or regulations, or at law or in equity, and no action, proceeding or exercise of a right with respect to such bond/surety agreement will affect any other right the City may have.
19. Injury or Damage to Other Property. Nothing contained in this Section shall be construed to make or hold the City responsible or liable for any damage to persons or any property whatsoever arising from the use, operation or condition of the registrant's wireless telecommunications facilities; or by reason of any inspection or re-inspection authorized herein or failure to inspect or re-inspect. Nor shall the issuance of any permit or the approval or disapproval of any placement or maintenance of the registrant's wireless telecommunications facilities constitute any representation, guarantee or warranty of any kind by, nor create any liability upon, the City or any elected official, officer, agent or employee thereof. The City, including its elected officials, officers, agents and employees, shall not be held responsible or liable for any injury or damages that may occur to wireless telecommunications facilities covered by a WTF right-of-way placement permit, or to any connection or connections thereto, by reason of right-of-way maintenance and construction activities, including work performed by the City's employees or contractors, or as a result of work performed by another permittee.
20. Expiration. Unless otherwise provided in the terms and conditions of the permit, a WTF right-of-way placement permit shall expire twelve (12) months after its issuance if the placement of such facility has not occurred or work to place same has not commenced and been continuously pursued within such time. Subject to the foregoing, a WTF right-of-way placement permit shall be in effect for an indefinite period of time from and after the date approved, unless sooner suspended or revoked by the City, terminated by the registrant, or as otherwise provided by applicable law. A WTF right-of-way placement permit is automatically revoked upon the abandonment of the subject facility.