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Issued for Public / Industry Comment August 9, 2023

CITY OF CHICAGO

DEPARTMENT OF TRANSPORTATION

SMALL WIRELESS FACILITIES ON CITY POLES RULES

Effective _____, 2023

CITY OF CHICAGO

DEPARTMENT OF TRANSPORTATION

2 North LaSalle Street
11th Floor
Chicago, IL 60602

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SUMMARY OVERVIEW

Background

The City of Chicago is committed to ensuring that the deployment of Small Cell technology is done in a manner that promotes the availability of broadband to City residents and businesses while preserving the beauty and character of Chicago's neighborhoods and business corridors. To that end, the City of Chicago has established rules for the installation of Small Wireless Facilities on City owned poles in the public right-of-way. These rules ensure that Small Cell installations are safe, reliable, and aesthetically pleasing.

The City of Chicago recognizes the historical significance and importance of its public spaces in shaping the city's unique character and enhancing the quality of life for its residents and visitors. With the growing demand for wireless technology, wireless service providers aim to improve the capacity of their networks by deploying Small Cell infrastructure. This new technology, consisting of antennas and related power equipment, will provide reliable data streaming and improve cellular and data coverage to smaller geographic areas.

However, the installation of Small Cell infrastructure will also have an impact on the aesthetics and function of public spaces. The City of Chicago is committed to finding a balance between accommodating the increased cellular demand and preserving the character and function of its public spaces.

Each wireless service provider will install infrastructure to serve their individual needs, while some companies will act as infrastructure providers, installing equipment that will house infrastructure for multiple wireless service providers. In accordance with federal law, Small Cell infrastructure equipment can be installed in the public right-of-way. The City of Chicago recognizes the need to approach the deployment of Small Cell infrastructure with careful stewardship and consideration for the special characteristics of the City and its public spaces.

These Small Cell rules set forth requirements and specifications for the design and placement of Small Wireless Facilities on City of Chicago owned light poles in the public right of way to address engineering, safety, and aesthetic concerns, while meeting the functional needs of the wireless infrastructure necessary to provide adequate coverage and service to Chicago's residents and businesses.

Purpose

The need for revised Small Cell rules and design guidelines arises from lessons learned from past installations on City light poles. Prior installations have not only shown a marked inconsistency, but also a disregard for the harmonious blending with the existing public way infrastructure and surrounding environment. This has resulted in a patchwork of mismatched structures, detracting from the visual appeal of our public spaces.

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Establishing clear and consistent Small Cell design standards, including clear equipment labeling, is essential. Beyond aesthetics, it simplifies the management and maintenance of public streetlighting infrastructure, thus enhancing safety for repair personnel and residents alike. Additionally, clear and consistent design standards with pre-approved pole designs offer mutual benefits for both the City and wireless facility providers, as it expedites the approval process, thereby facilitating smoother and more cost-efficient operations.

These Rules were developed in consultation with internal CDOT subject matter experts, outside consultants and input from telecommunications providers. These Rules comply with applicable local and federal policies and regulations, and all Small Cell installations on City-owned poles must comply with the most current version of these Rules and relevant guidelines.

1 SECTION I — DEFINITIONS.

The following definitions shall apply to the provisions of these Rules:

“811 Chicago” means the 24-hour service network system established by the City of Chicago that provides a free, one-call service to persons engaged in excavation and demolition and notifies persons who own and operate underground facilities of impending excavations and demolitions within the City’s corporate limits.

“Abandoned” shall refer to any Equipment installed on or in City Light Poles or in City Conduit that has been left by an Approved Applicant in an unused or non-functional status for a period of one hundred twenty (120) consecutive days.

“Agency” means any governmental or quasi-governmental agency other than the City, including the FCC and the Illinois Commerce Commission.

“Airport Property” means the regions commonly known as “O’Hare International Airport” and/or “Midway Airport,” both of which are characterized as the land and property under the management and supervision of the Chicago Department of Aviation.

“Annual Rent” means the monetary amount paid pursuant to the Master License Agreement.

“Antenna” means an apparatus designed for the purpose of emitting radio frequency, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of Personal Wireless Service and any commingled information services.

“Antenna Equipment” means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and mounted or installed at the same time as such antenna.

“Antenna Facility” means an Antenna and associated Antenna Equipment.

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“**Applicable Codes**” means uniform building, fire, public safety, electrical, plumbing and mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application to the extent such codes have been adopted by the City or otherwise are applicable in the City; or similar guidelines adopted by national organizations and applied in the management and design of the Public Way or City Infrastructure.

“**Applicant**” means any Person with prior approval from the City for use of its property and who submits an Application.

“**Application**” means a request in writing submitted by an Applicant to the City for approval of the Applicant’s pole design for installation of a Small Wireless Facility under these Rules.

“**Approved Design**” means a Small Wireless Facility design which has been previously approved by CDOT for use by Applicants, including Decorative Streetlight Pole designs.

“**Approved Applicant**” means an Applicant that has received approval for installation of a Small Wireless Facility under these Rules.

“**Approved Equipment**” means Installation Unit and Equipment that has been approved for installation under these Rules under CDOT’s regulatory authority. This regulatory approval of a specific installation and design issued by CDOT to an Approved Applicant under these Rules shall not convey any real estate interest.

“**Burden**” means such conditions as shall adversely affect the safety or durability of any City Infrastructure (including in particular, City Light Poles and City Conduit) or interferes with public safety or traffic as determined by the City.

“**CDOT**” means the Chicago Department of Transportation.

“**CDOT Commissioner**” means the Commissioner of CDOT (whether confirmed or acting) or the CDOT Commissioner’s designee.

“**City**” means the City of Chicago, a municipality of the State of Illinois and a home rule unit of government pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois, and where consistent with the context, its agencies, divisions, boards, bureaus, officers and employee. Where specific acts are required to be taken by the City and in the absence of any specified direction, the City shall mean the CDOT Commissioner.

“**City Conduit**” means and includes tubes or structures, containing one or more ducts to enclose cables, wires and associated transmission equipment useful for telecommunications or utility purposes under the ownership, control or operation of the City. City Conduit refers only to conduit structures (including ducts, manholes and handholds) and space within those structures and does not include: (a) wires and other equipment located within City Conduit structures,

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whether or not owned by the City or (b) City vaults and other structures which branch off from or are connected to City Conduit.

“**City Conduit Facility**” means all of the City Conduit that serves a single City Light Pole Facility.

“**City Council**” means the City Council of the City.

“**City Infrastructure**” means City Light Poles, Poles, as well as City Conduits, bus shelters, buildings and other structures and improvements regardless of whether they are located in the Public Way, including but not limited to restricted-use busways not generally accessible to vehicles of the general public and any real estate or other property used in whole or in part by the City.

“**City Light Poles**” means City-owned Poles, including City-owned ordinary light Poles without traffic signalization (“Ordinary Light Poles”), City-owned light Poles in alleys (“Alley Poles”), Replacement Poles, and any lighting fixtures or electroliers thereon, located within the Public Way and may refer to such facilities in the singular or plural, as appropriate to the context in which used. City Light Poles shall not include: (i) Decorative Streetlight Poles unless pre-approved by CDOT; (ii) privately-owned Poles; or (iii) Traffic Signal Poles.

“**City Light Pole Facility**” means a group of City Light Poles and peripheral equipment which function as an integrated facility controlled by a single electrical controller.

“**City Simplified Telecommunications Tax Ordinance**” refers to Chapter 3-73 of the Code imposing a municipal telecommunications tax, as authorized and provided for under the laws of Illinois, as heretofore or hereafter amended.

“**Code**” means the Municipal Code of Chicago, as amended.

“**Collector Street**” means City Residential Street that is primarily bordered by the sides of dwelling unit lots, rather than their front elevations.

“**Concealment Element**” means any design feature, including but not limited to painting, landscaping, shielding requirements, and restrictions on location, proportions, or physical dimensions in relation to the surrounding area or supporting structures that are intended to make a Wireless Communications Facility and/or the associated Pole or Tower supporting structure less visible to the casual observer.

“**Contractor**” means collectively any contractor, agent, or consultant employed or engaged by an Approved Applicant to construct, install, operate, or maintain the Approved Applicant’s Equipment in City Conduit or on City Light Poles.

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“**Decorative Streetlight Pole**” means any City Light Pole that incorporates artistic design elements not typically found in standard steel or aluminum streetlight poles and includes any historically or architecturally significant or designated light poles, owned by the City.

“**Deploy**” or “**Deployment**” means placement, construction, or modification of a Small Wireless Facility.

“**DEO**” means CDOT’s Division of Electrical Operations.

“**Design Guidelines**” or “**Guidelines**” means the Design Guidelines for Small Wireless Facilities in the Public Way and on City Infrastructure as stated in Exhibit C—Design Guidelines.

“**Detailed Structural Analysis**” means a detailed structural analysis to be performed, submitted and stamped by an Illinois licensed structural engineer. Such analysis shall be performed in accordance with the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 6th Edition (2013) with 2015, 2019, 2020, and 2022 Interim Revisions (all as may be updated or modified or revised from time-to-time while these Rules are in effect). The structural analysis shall be inclusive of but not limited to the review of the structural integrity and the stability of the pole, an assessment of the proposed Replacement Pole, the assessment of the existing condition of the pole, the assessment of the type of foundation supporting the pole and its existing condition.

“**Dwelling**” means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

“**Equipment**” means the Small Wireless Facility equipment (including back-up power supply), whether referred to in the singular or collective, to be installed and operated by an Approved Applicant in accordance with the approvals under these Rules. Equipment shall be deemed to include, but not be limited to, antennas and peripheral transmitters, radios, receivers, repeaters, converters, multiplexers, amplifiers, connectors, fiber optic cables, power supplies, and other related electrical or communications equipment and wiring. Equipment may not be installed on any City Light Pole except in compliance with these Rules.

“**Facility**” means an Antenna Facility or a structure that is used for the provision of Personal Wireless Services, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

“**FCC**” means the Federal Communications Commission.

“**Tort Immunity Act**” shall refer to and incorporate by reference Illinois Local Government and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 *et seq.*

“**Installation Unit,**” with regard to Equipment to be located on any City Light Pole, means the configuration of Equipment sufficient to allow an Approved Applicant or an Approved Applicant’s customers to transmit either or both voice and data communications signals to and

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from one or more end users, including a node and back-up power supply so long as the total volumetric space is in compliance with the FCC's definition of a Small Wireless Facility.

“Laws” or **“Applicable Laws”** means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, certificates, orders, or other requirements of the City or other Agency having joint or several jurisdiction over the parties to these Rules and in any conduit use agreement.

“Master License Agreement” means an agreement that gives a Wireless Infrastructure Provider or Wireless Services Provider written authorization from the City, as real estate owner of the City Poles, to attach Equipment to City Poles.

“Micro Wireless Facility” means a Small Wireless Facility that does not exceed 24 inches in length, 15 inches in width, and 12 inches in height and that has no exterior antenna longer than 11 inches.

“Network” means a communications system and or electric power system for the specific purpose of powering elements of the Network operated by a Licensee which uses Equipment located on City Poles, in City Conduit, in the Public Way or on third-party property and other facilities to transmit and receive communications signals.

“OEMC” means the City's Office of Emergency Management and Communications.

“OUC” means CDOT Office of Underground Coordination.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other legal entity or organization, other than the City.

“Personal Wireless Services” means “commercial mobile service,” “unlicensed wireless services,” and “common carrier wireless exchange access services,” as those terms are defined in 47 U.S.C. § 332, and “commercial mobile data service,” as defined in 47 U.S.C. § 1401(8).

“Pilot” means any program initiative, project, innovation, or other activity not specifically authorized by these Rules.

“Pole” means a pole in the Public Way.

“Pole-Mounted Antenna” means a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media.

“Pre-Approved Pole Design” means designs approved by the City under these Rules.

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“Prior Non-Conforming Facility” means a Small Wireless Facility that was legally approved and existing at the date of adoption of the Rules, (Month XX, 2023), but which does not comply with the Design Guidelines.

“Provision” means any agreement, clause, condition, covenant, qualification, restriction, reservation, term, or other stipulation in these Rules that defines or otherwise controls, establishes, or limits the performance required or permitted by any party to these Rules. All Provisions, unless otherwise expressed to the contrary herein, whether covenants or conditions, shall be deemed to be both covenants and conditions.

“Public Way” for purposes of these Rules, means any City highway, street, sidewalk, alley, or public way dedicated or commonly used for utility purposes. This term shall not include any City property not specifically described in the previous sentence and shall not include any City Infrastructure including: City Light Poles, City Conduits or any buildings and other structures and improvements, regardless of whether they are located in the Public Way, any restricted-use busway not generally accessible to the vehicles of the general public, or any Airport Property. Areas above or below the Public Way shall be treated as the Public Way to the extent so treated under Illinois law and elsewhere in the Code.

“Public Way Permit” means the permit issued by CDOT for construction activities in the Public Way. A Public Way Permit shall not be viewed as conveying any real estate interest.

“Requestor” means someone who makes a request (other than an Application) to CDOT relating to placement of Small Wireless Facilities on City Light Poles.

“Replacement Pole” mean a new pole that replaces a City Light Pole with a similar streetlight pole which may be designed to conceal the Applicant’s Equipment located on the exterior of a City Light Pole and blend in with surrounding City Light Poles.

“Residential Streets” means City streets that exhibit some or all the following characteristics:

- a. No more than two traffic lanes (one lane in each direction) and two parking lanes.
- b. No Traffic Signal Poles.
- c. Dwellings face the street.
- d. City Light Poles are less than 30 feet in height.
- e. Generally zoned residential; and
- f. Generally, 70 feet or less in width from property line to property line.

“Rules” means these “Small Wireless Facilities On City Pole Rules” in effect and as may be amended, corrected, and supplemented from time-to-time, all exhibits referred to in the Rules, and any addenda, attachments, and schedules which may from time-to-time be referred to in any amendment to these Rules.

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“**Services**” means personal wireless services, including transport services, provided through a Network by an Approved Applicant or Approved Applicant’s customers, as specified in an Applicant’s Application.

“**Small Wireless Facility**” or “**Small Cell**” means, consistent with 47 C.F.R. §§ 1.1312(e) and 1.6002(l), a Wireless Communications Facility that meets each of the following conditions: (1) the facilities (i) are mounted on Structures fifty (50) feet or less in height including the antennas, or (ii) are mounted on Structures no more than ten percent (10%) taller than other adjacent Structures, or (iii) do not extend existing Structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater; (2) each Antenna associated with the deployment, excluding associated Antenna Equipment, is no more than three (3) cubic feet in volume; (3) all other wireless equipment associated with the Structure, including wireless equipment associated with the Antenna and any pre-existing associated equipment on the Structure, is no more than twenty-eight (28) cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. Part 17; (5) the facilities are not located on Tribal lands, as defined under 36 CFR § 800.16(x); and (6) the facilities do not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. §1.1307(b).

“**Special Pole Design**” means pole design other than a Pre-Approved Pole Design.

“**State**” means the State of Illinois.

“**Stealth Facility**” means a Small Wireless Facility designed to visually integrate its Equipment into an existing structure, effectively becoming an architectural element of that structure. The intent of this design strategy is to minimize the visual disruption and physical prominence of Small Cell facilities mounted on Poles, Towers, or City Infrastructure. For a design to be deemed stealth, it must replicate the aesthetic and functional characteristics of the element it is intended to blend with, such as color, material, and placement, among other attributes.

“**Third-Party Property**” shall mean real estate or personal property owned by parties other than the City or Approved Applicant, including but not limited to poles, building sites and other structures owned or controlled by telecommunications carriers, electricity providers, gas providers, cable companies and other similar owners.

“**Tower**” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“**Traffic Signal Poles**” means Poles that support traffic signal equipment, such as stop lights, pedestrian crossing signals, and flashing lights.

“**Utilidor**” means an underground insulated conduit used for general utility service.

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“Upgrade” means, in connection with Approved Equipment, one for one replacement of the Approved Equipment with new Equipment, similar in design, size and scale to the existing structure and in conformance with current City Rules, in order to address limitations of the existing Approved Equipment and to permit placement, modification or replacement of a wireless telecommunications facility. Similarity in size, and scale and design shall be evaluated considering the design, size and scale of the existing Approved Equipment, and similar facilities in the immediate vicinity; and whether the proposed design would be inconsistent with (i) conditions applicable to the existing structure; or (ii) these Rules or the City Code.

“Wi-Fi Services” means wireless information services provided through local area networks which permit computers and workstations to communicate to each other and to access the Internet using radio propagation as the transmission medium. Such systems generally use 802.11, 802.16 or other radio spectrum which has not been allocated to a specific user by the FCC.

“Wireless Communications Facility” means personal wireless service facilities including but not limited to facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies, except that Wireless Communications Facility does not include the Pole or tower or support structure to which the facility is attached, or to be attached.

“Wireless Infrastructure Provider” means any Person, including a Person authorized to provide telecommunications service in the State, that builds or installs and/or operates Wireless Communications Facilities or Poles or Towers on which Wireless Communications Facilities are or are intended to be placed, used for Collocation, but that is not a Wireless Services Provider.

“Wireless Services” means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

“Wireless Services Provider” means a Person who provides Wireless Services.

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2 SECTION II — GENERAL REQUIREMENTS.

2.1 Eligibility Criteria for Small Wireless Facilities Installation on City-Owned Poles.

Only entities that have executed a Master License Agreement with the City of Chicago and are in compliance with the Master License Agreement are eligible to apply for the installation of Small Wireless Facilities on City Light Poles.

2.2 Requirement of Mandatory Replacement Poles, Associated Costs, and Ownership Transfer.

The installation of Small Wireless Facilities on City Light Poles requires the use of Replacement Poles. All associated costs for these Replacement Poles are to be borne by the Applicant. Upon installation, ownership of the Replacement Poles will be transferred to the City of Chicago. The original, replaced pole must be returned to the City, which retains the right to dispose of it or reuse it in a different location as needed.

2.3 Restrictions on Locations for Small Wireless Facilities Installations.

2.3.1 Only on Poles or Towers.

Small Wireless Facilities installed in the Public Way or on City Infrastructure are only allowed if they are located on a Pole or Tower. Unless prohibited by law, only one Wireless Infrastructure Provider shall be allowed to Deploy Small Wireless Facilities on a single Pole or Tower.

2.3.2 No Ground-Mounted Small Cell Equipment.

Ground-mounted Small Cell Equipment cabinets are prohibited on sidewalks, streets, curbs, or any other Public Way spaces. CDOT may, in its discretion, provide an exception to this rule if no elevated pole mounted options are feasible.

2.3.3 Prohibited City Infrastructure.

The City prohibits the installation of Small Wireless Facilities on:

- a. Traffic Signal Poles or on Traffic Signal Pole mast arms.
- b. Decorative Streetlight Poles except those allowed in the Design Guidelines, Exhibit C-1.
- c. Bridges or any component thereof or Light Poles located thereon.
- d. Elevated structures with post tensioned decks, or any component thereof or City Light Poles located thereon.
- e. City-owned viaduct structures, or any component thereof or City Light Poles located thereon.
- f. Elevated structures or vaulted sidewalks with occupied spaces below, or any component thereof or City Light Poles located thereon.

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- g. City Light Poles with banners to the extent the Small Wireless Facilities would interfere with the banners.
- h. Tunnels; and
- i. Airport Property.

Despite these restrictions, the City retains the discretion to authorize a Pilot installation, provided there is mutual agreement between the City and the Requestor.

2.3.4 Street Intersection Limitations.

An Approved Applicant shall not use more than two of the City Light Poles at the same street intersection without special approval granted by the CDOT Commissioner.

2.3.5 Residential Street Locations.

The City's preferred location for the Deployment of Small Wireless Facilities in residential areas is on wooden utility Poles in alleys.

Should the installation of Small Wireless Facilities on alley utility Poles prove impracticable, the following regulations shall strictly apply to Residential Streets, unless expressly authorized otherwise by CDOT:

- a. An Applicant is obligated to provide evidence to CDOT, illustrating the need for utilizing a Residential Street City Light Pole for their network operations.
- b. If CDOT validates the need for a Small Wireless Facility on a Residential Street City Light Pole, the Applicant is required to prioritize pole locations on Collector Streets, or at intersections of alleys and residential streets. If these preferred options are unavailable, the Pole nearest to the corner intersection on residential streets must be sought. Any installation on Poles located mid-block on Residential Streets is prohibited unless specifically approved by the CDOT Commissioner.
- c. No Small Wireless Facility shall be installed within twenty (20) feet from the front of a Dwelling. For purposes of this requirement, "front" means the side of the property where the house number is assigned.

2.4 Compliance with All Applicable Codes, Laws, and City Agreements

All Wireless Communication Facilities in the Public Way and on City Infrastructure shall be installed and maintained in accordance with Applicable Codes and Law. The City reserves the right to impose additional standards and restrictions and modify the Rules as necessary to protect the public interest, City Infrastructure, and the Public Way.

All Wireless Communications Facilities shall also:

- a. Comply with generally applicable health and safety standards and shall not inconvenience the public's use of the Public Way and City Infrastructure.

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- b. Comply with ADA guidelines adopted by the City.
- c. Not obstruct vehicle or pedestrian sight lines in an unsafe manner.
- d. Not obstruct the safe operation of traffic control equipment or streetlights.
- e. Not interfere with City wireless operations in the Public Way or on City Infrastructure.
- f. Comply with any applicable City-issued franchise and master license agreements.

2.5 Limitations of Approved Applicant's Rights.

Any and all rights expressly granted to any Approved Applicant under these Rules shall be exercised at such Approved Applicant's sole cost and expense, shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Way and all City Light Poles, City Infrastructure, and City Conduits exclusively or concurrently with any other person or entity, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record (collectively "Encumbrances") that may affect the Public Way, City Infrastructure, City Conduit, or City Light Poles. Nothing in these Rules shall be deemed to grant, convey, create, or vest in any Approved Applicant a real property interest in land or in any City property, including but not limited to City Light Poles, City Infrastructure, or City Conduit, including any fee, leasehold interest, or easement.

Any and all rights expressly or impliedly granted to any Approved Applicant under these Rules shall be non-exclusive and shall be subject to and subordinate to: (1) the continuing right of the City to use for its own purposes, and to permit any other person or persons to use and to install equipment and devices on, any and all parts of all City Light Poles, City Infrastructure, or in City Conduit, and (2) the public easement for streets and any and all Encumbrances that may affect City Light Poles now or at any time during the term of these Rules, including, without limitation, any Encumbrances granted, created or allowed by the City at any time.

The City may request that an Approved Applicant relocate its Approved Equipment to accommodate City work or services.

3 SECTION III – NEW SMALL WIRELESS FACILITIES ON CITY POLES.

This section outlines the process steps Requestors must follow to obtain approval for the installation of Small Wireless Facilities on City Poles. These steps include the Pole Location Pre-Approval process, the Small Wireless Facility Design Approval process, and the installation process. The City is aware of the shot clock found in the FCC's small cell order (FCC 18-133) and believes the cooperative nature of this process will more than meet the directives of the FCC.

3.1 Master License Agreement.

A Requestor must have a fully executed Master License Agreement with the City. The Master License Agreement is posted on CDOT's website with contact information for execution of the Master License Agreement.

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The Master License Agreement will govern the length a Small Wireless Facility can be installed on City Poles. It shall provide that the City will accommodate a licensee's non-exclusive use of City Poles for Annual Rent in accordance with the terms of the Master License Agreement. The Master License Agreement will provide that the licensee's use of City Poles shall remain secondary to the City's use of its Poles.

3.2 Pole Location Pre-Approval.

Prior to submitting an Application, a Requestor must obtain pole location pre-approval as follows:

3.2.1 Proposed Pole Location Pre-Approval.

A Requestor shall obtain pre-approval for their proposed location of the Pole with their proposed Small Wireless Facility ("**Pole Location Pre-Approval**") by completing the following steps on CDOT's electronic portal:

1. Searching and confirming that their proposed location has not already been approved as the location of a Small Wireless Facility; and
2. Submitting the precise location of their proposed location, including the street address, a location narrative, and a recent photo of the existing City Light Pole, with a caption that includes street address and GPS latitude and longitude coordinates.

3.2.2 Pole Location Pre-Approval Notification and Time Limitation.

Upon receipt and review of a request to install a Small Wireless Facility at an existing City Light Pole location, CDOT will issue its decision electronically. If the location is approved, a new project folder, tied to that location, will be created on the CDOT electronic portal, accompanied by a CDOT location approval notification letter; uploaded to the project folder. The Requestor will be notified via email of the decision, indicating whether the requested location was approved or denied.

The CDOT pole location approval carries a 90-day time limitation. This means that the Requestor must submit a complete Application within ninety (90) days from the date of the pole location pre-approval. If an Application is not submitted within the designated 90-day window, the corresponding project folder will be removed from the CDOT electronic portal. Consequently, the Requestor will be required to reinitiate the CDOT Pole Location Pre-Approval process.

3.3 Small Cell Design Approval Process.

To initiate the two-stage Small Cell ("Design Approval") process, an Applicant must submit their proposed design through the CDOT's electronic portal. During the first stage, the design is reviewed by the CDOT Engineering team. If found acceptable, it advances to the second stage, which is handled by the Office of Underground Coordination (OUC) (refer to Rules Section 3.4). The OUC members review the proposed installation and assess whether there are potential

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conflicts with existing underground utilities. Once the design has been approved by the OUC, the applicant can proceed with the Installation Process, as described in Rules Section 3.5. For Applications that include pre-approved pole designs in their submission, the Design Approval process is streamlined, typically engineering review completed in approximately 10 days, immediately followed by a 30-day OUC review process.

3.3.1 Review Process for Applications with Special Circumstances.

3.3.1.1 Incomplete Submittals.

The City will provide written notice of incompleteness within ten (10) days of submission an Applicant's Application. The City's review period for the Application resets once the Applicant submits the supplemental information requested by the City. For subsequent determinations of incompleteness of the same Application, the City's review period for the Application is paused if the City provides written notice within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

3.3.1.2 Special Pole Designs.

CDOT may consider an Application for a Special Pole Design on a case-by-case basis.

3.3.1.3 Allocation.

In situations where two or more Applicants seek Design Approval for the same City Light Pole within the same five (5) business day period, the City may allocate the use of such City Light Pole by lot, as drawn before the competing parties or through some other nondiscriminatory method of selection ("Allocation Action"). The CDOT Commissioner shall provide Notice in writing to the competing applicants at least fourteen (14) days prior to any Allocation Action.

3.3.2 Pole Design Review Fee.

When submitting an Application, Applicants are required to pay a non-refundable pole design review fee via CDOT's electronic portal. The details of CDOT's review fees can be found on the CDOT's permitting website.

3.3.3 Small Cell Design Application Submittal Package.

The Application shall include the information specified in **Exhibit A — Small Wireless Facility Design Submittal Checklist**. Detailed descriptions of the contents of each checklist item are provided in **Exhibit C — Design Guidelines**. The City thoroughly reviews each Application to ensure the provided information is accurate and consistent. This process also ensures public safety and compliance with the Rules, Code, and any relevant regulations, which may be subject to periodic updates or revisions. The Applicant is responsible for revising the Application submittal documents in response to the City's review comments.

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For Small Cell design approval, the Applicant must provide a detailed structural analysis that satisfies the City's requirements. This analysis must clearly identify each City Light Pole for which they seek design approval. The Installation Unit must comply with the provisions of the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 6th Edition (2013), along with the 2015, 2019, 2020, and 2022 Interim Revisions. These specifications may be updated, modified, or revised while these Rules remain in effect, and the design must also adhere to these Rules.

3.4 OUC Approval Process.

If OUC approves the Application, then OUC will issue an approval letter to an Approved Applicant for the Approved Equipment. OUC will stamp an Approved Applicant's drawings and link the approval to CDOT's digital permit system.

Please refer to Section 3.3 of CDOT's Rules and Regulations for Construction in the Public Way for more information on OUC approvals.

3.5 Installation Process.

This sub-section 3.5 sets forth the process for Approved Applicants to install Approved Equipment on City Poles.

3.5.1 Public Way Permit.

Approved Applicants shall obtain all permits required under the Code regarding access to the Public Way for installation and maintenance of Approved Equipment. When seeking a Public Way Permit for Approved Equipment, the Approved Applicant shall provide the OUC approval number and the site(s) for which the Approved Applicant is seeking a Public Way Permit.

Approved Applicants must obtain any required 811 Chicago notifications prior to commencing construction.

Approved Applicants must commence construction within one hundred eighty (180) days after issuance of a Public Way Permit or such Public Way Permit shall lapse automatically.

3.5.2 DEO Coordination / Inspection.

Before initiating installation, Approved Applicants possessing OUC Design Approval must contact the DEO to schedule a time for a pre-installation field inspection of the affected City circuit(s). The resulting written condition assessment report will identify and document any non-functional or deficient elements. Following the submission of the report by the Approved Applicant to the DEO, the City will grant permission for the Small Cell installation by establishing a maintenance agreement. During installation, the Approved Applicant is tasked with maintaining all circuit components that were verified functional before the Small Cell installation began. Upon

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completion of the Small Cell installation, a final DEO inspection is required. Once the post-install condition is approved by DEO, the maintenance agreement will terminate, and the City will resume its responsibility for maintaining all City equipment on the City's electric circuit.

3.5.3 Installation Expenses.

All construction and installation costs for Approved Equipment (including any temporary storage and/or relocation costs) shall be at the Approved Applicant's sole expense. If the City incurs any costs or expenses with respect to construction and installation of Approved Equipment, Approved Applicant shall reimburse the City the full amount of such expenses within thirty (30) days of receipt of an itemized City invoice for such costs and expenses.

3.5.4 Annual Master License Agreement Annual Rent.

Unless otherwise stated in the Master License Agreement, Annual Rent will begin thirty-one (31) days after issuance of the Public Way Permit.

3.5.5 Ownership of Replacement Poles.

Replacement Poles will be dedicated to, and 100% owned by, the City upon completion of construction and comply with all applicable City specifications.

4 SECTION IV – SMALL WIRELESS FACILITIES ON NON-CITY OWNED POLES.

All Wireless Service Providers involved in placing Small Cell Equipment within, or overhanging, the Public Way on poles or facilities not owned by the city are required to provide CDOT with a written report every quarter. This report must specifically detail the locations of any Small Wireless Facility Equipment installed on non-city-owned poles since the previous report was submitted. The report must follow to the format provided by CDOT.

5 SECTION V – ADDING WIRELESS SERVICE PROVIDER TO CITY POLES WITH EXISTING SMALL WIRELESS FACILITIES.

This section outlines the procedures and requirements for adding a Wireless Service Provider to City Light Poles that already host Small Wireless Facility Equipment. All additional Equipment must comply with the latest Rules and Design Guidelines. Once CDOT approves the additional Equipment to accommodate an additional Wireless Services Provider, an additional annual rent will become due, in accordance with the terms set forth in the Master License Agreement.

5.1 Application Process.

All requests to add Equipment at a City Light Pole with existing Approved Equipment must be submitted through CDOT's electronic portal. Applicants begin by selecting the Additional Small Wireless Services Equipment option and submitting all requested documentation, including,

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but not limited to, existing as-built drawings along with a detailed structural analysis. Requests to add a Small Wireless Services Provider to City Light Poles with Approved Equipment shall be subject to the locations and conditions described in Rules Sections 2 and 3.

OUC approval is required if there is any underground work, in accordance with the requirements of Section 3.4.

5.1.1 Structural Analysis and Compliance Requirements for Adding Equipment to City Light Poles.

To gain approval for adding Equipment to accommodate an additional Wireless Services Provider to a City Light Pole with Approved Equipment, a detailed structural analysis must be submitted and found satisfactory by the City. The analysis must demonstrate that for each City Light Pole for which approval is sought, the Installation Unit is in compliance with the current Rules and Design Guidelines. Additionally, it must align with applicable provisions from the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 6th Edition (2013), including the Interim Revisions for 2015, 2019, 2020, and 2022 (all subject to updates, modifications, or revisions while these Rules are in effect).

5.2 Fees.

When seeking approval to add Equipment to a City Light Pole that already has Approved Equipment, the Requestor must pay the corresponding non-refundable design review fee via CDOT's online portal. Information regarding CDOT's review fees is available on the CDOT's permitting website.

Unless otherwise stated in the Master License Agreement, an additional Annual Rent for the newly added Wireless Facilities Provider will commence within thirty (30) days following the issuance of CDOT's approval letter, in accordance with the terms of the Master License Agreement.

5.3 Approval.

Upon approving a request to add Equipment to a City Light Pole with Approved Equipment, CDOT will issue an approval letter to the Applicant. This letter can be downloaded from CDOT's electronic portal.

5.4 Installation Process.

After receiving a CDOT approval letter to add Equipment to a City Light Pole with Approved Equipment, the Approved Applicant must follow the installation process described in Rules Section 3.5.

6 SECTION VI – UPGRADING OR REPLACING APPROVED EQUIPMENT.

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This section outlines the procedures and requirements for upgrading or replacing previously installed Approved Equipment on City Light Poles. All upgraded Equipment must comply with the latest Rules and Design Guidelines.

6.1 Application Process.

All requests to upgrade existing Approved Equipment at a City Light Pole must be submitted through CDOT's electronic portal. Applicants start by selecting the "Upgrade Equipment" option and providing all requested documentation, including but not limited to, existing as-built drawings and a detailed structural analysis. Requests to upgrade Approved Equipment are subject to location restrictions and conditions described in Rules Sections 2 and 3. If there is any underground work involved, OUC approval is required, in accordance with the requirements of Section 3.4.

When evaluating whether or not to approve an Upgrade Equipment request, the City shall consider the following factors:

(a) Public safety issues and structural limitations, including concerns about weight, height, and wind and stress loading.

(b) Material aesthetic considerations, based on reasonable, competitively neutral, and objective design standards in the Rules Design Guidelines, height considerations, or AASHTO standards.

(c) Potential interference with or prevention of the installation, operation, or maintenance of current or reasonably anticipated future City-owned or sponsored projects, including but not limited to communications, electronic or information systems. This also extends to projects not regulated by the FCC, including present or previously approved third-party projects like communications or information facilities and services.

(d) Other factors that could render the requested location in the Public Way unsafe, unstable, or subject to regulatory restrictions, such as interference with current or future City equipment.

6.2 Fees.

When seeking approval to upgrade Approved Equipment on a City Light Pole, the Requestor must pay the corresponding non-refundable design review fee via CDOT's online portal. Information regarding CDOT's review fees can be found on the CDOT permitting website.

6.3 Approval.

Upon approving a request to upgrade Approved Equipment on a City Light Pole, CDOT will issue an approval letter to the Applicant. This letter can be downloaded from CDOT's electronic portal.

6.4 Installation Process.

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After receiving a CDOT approval letter to upgrade Approved Equipment on a City Light Pole, the Approved Applicant must follow the installation process described in Rules Section 3.5..

7 SECTION VII –REQUIREMENTS FOR ALL SMALL WIRELESS FACILITIES.

These provisions apply generally to the obligations of parties under these Rules.

7.1 Installation Requirements.

7.1.1 Electricity Charges.

Each Approved Applicant shall be solely responsible for obtaining electrical service and for paying all electrical utility charges to the applicable utility company based upon the Equipment’s usage of electricity and applicable tariffs related to its use of City Light Poles or related City Conduit.

7.1.2 Conduit Use Agreements.

An Applicant can submit a request to use vacant and available City Conduit or Utilidors for connecting their Equipment to the nearest power sources or communications networks if such use will avoid construction in and deterioration in the Public Way. However, no Approved Applicant shall be allowed to share City Conduit. Applicants who wish to share conduit may apply to CDOT’s Division of Engineering.

Conduit use agreements shall be structured so that: (1) uses of City Conduit are limited in length and scope to the least use reasonably possible to achieve such connections; (2) the City is under no obligation to repair or change any portion of any City Conduit which is unusable and any such use will not require any expenditure of City funds; (3) compensation for such use of City Conduits shall governed by CDOT’s permit fee schedule; (4) each Approved Applicant using a City Conduit shall comply with all City specifications and regulatory requirements stated in the Code, these Rules and the conduit use agreement; (5) such use does not violate any City financing requirements, both State and federal, as determined under these Rules; and (6) any innerduct installed in City Conduit by an Approved Applicant shall become City property upon termination or expiration of the Master License Agreement or failure to pay the compensation required under this section.

In addition to sub-section (3) above concerning compensation, each Approved Applicant using City Conduit shall reserve two pairs of fiber optic capacity usages or one secure wavelength or other equivalent capacity usage in each cable installed by an Approved Applicant in City Conduit for the City’s exclusive use for public or governmental purposes, and may include use by the City’s public schools, the Chicago Park District, the Chicago Transit Authority, Chicago Housing Authority, and the Public Building Commission.

An Approved Applicant shall not be responsible for lighting City fibers or operating secure City wavelength. The City is responsible for any connectivity necessary to operate or power these City fibers or wavelength, including the installation of laterals, if needed. No

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compensation for such secure wavelength or fiber strands shall be payable by the City. Wavelength or fiber strands shall be provided without cost to the City by the Approved Applicant. The City may advise an Approved Applicant at any time that it does not wish to use such secure wavelength or fiber strands or wishes to pay market value for such secure wavelength or fiber strands, in which case the conditions of such opinion of the City shall apply.

As part of the conduit use request, each Approved Applicant shall provide a description of how it is planning to secure electric power.

Each conduit use agreement shall provide that an Applicant seeking to use an existing City Conduit be required to install a reasonable number of partitions or innerducts to the City's specifications consistent with industry safety standards and each such conduit use agreement shall designate those portions of the City Conduit or innerduct(s) therein as shall be used by the Requestor. Each such City Conduit shall be deemed available only if: (i) following the Applicant's use, there are one or more other City Conduits left available to the City for maintenance or other public or governmental purposes along the same conduit run after inclusion of all existing City and other governmental facilities and all then-existing third-party facilities and (ii) all uses of any segment of each such City Conduit, including Applicant's Equipment, shall not occupy more than forty percent (40%) of the interior volume of such City Conduit segment at any point.

To the extent no City Conduit is deemed to be available by the CDOT Commissioner, an Applicant may seek to install a new conduit in the Public Way under the provisions of Chapter 10-30 of the Code and its Rules and any conduit use agreement arising thereunder. An Applicant may at its own expense, and with the approval of the CDOT Commissioner, repair City Conduit as needed in accordance with City Specifications.

Conduit use agreements shall provide that any Approved Applicant shall vacate such City Conduit upon thirty (30) days' notice from the City for reasons set forth in these Rules unless an alternative arrangement satisfactory to the City has been reached.

7.1.3 Underground Work.

Excavation, trenching, coring, or any construction method to install underground facilities in connection with approvals issued under these Rules and a Public Way Permit shall be limited to the minimum extent reasonably necessary for an Approved Applicant to interconnect its Network or portions thereof to existing or approved fiber optic rings or cables and to electric supply circuits in the Public Way. No Approved Applicant shall otherwise disturb or disrupt the operation or maintenance of any City or third-party infrastructure, including but not limited to sewers, storm drains, water or gas mains or other underground conduits, cables, mains or facilities. Each Approved Applicant will also follow all regulations of general application issued by the City in connection with such underground work, including regulations issued under Chapter 10-30 of the Code and follow the procedures of the Code and City regulations related to compliance with the requirements of the OUC, as well as the City's One-Call ordinance, the Chicago Underground Facilities Damage Prevention Ordinance, Chapter 10-21 of the Code.

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7.1.4 Notice of Location of Installed Equipment.

Upon completion of installation of Approved Equipment, each Approved Applicant shall promptly (and in no event later than thirty (30) days after the completion of the installation) upload to CDOT's electronic portal "as built" drawings in ESRI ArcInfo® or in such other format as may be reasonably required by the CDOT Commissioner and "as built" photos showing the exact location and configuration to date of the Approved Equipment on each City Light Pole, in City Conduits and in the Public Way.

Each Approved Applicant shall provide to the CDOT Commissioner supplemental documentation in ESRI ArcInfo® or such other format showing the relocation, removal, or abandonment of Approved Equipment on City Light Poles, in City Conduits, or in the Public Way within thirty (30) days of its relocation, removal or abandonment.

7.1.5 Adjustment of Utility Facilities.

In the event that the location of Approved Equipment will require an adjustment of the location of existing public and private utility facilities, Approved Applicant must obtain written consent of the owner of such utility (including, where applicable, all relevant City departments) to such adjustment and make such arrangements for the payment or reimbursement of the cost of such adjustments as are satisfactory to the owner of such utility including, where applicable, all relevant City departments. In no case shall an Approved Applicant be entitled to perform such adjustment or disturb such utility facilities without the written consent of the owner of such utility.

7.1.6 Damage to Facilities; Restoration.

Each Approved Applicant shall exercise due care to avoid damaging City Light Poles, City Conduit, or other City Infrastructure or the Public Way or the facilities of third parties. Each Approved Applicant assumes all responsibility for any and all loss or damage caused by Approved Applicant and any persons acting on Approved Applicant's behalf. Approved Applicant shall make an immediate report to the City of the occurrence of any damage for which it or any of its agents or Contractors is responsible in compliance with the Chicago Underground Facilities Damage Prevention Ordinance. At the City's direction, each Approved Applicant shall at its own expense and in a manner approved by the CDOT Commissioner, rebuild, restore, or repair any portion of the City Light Poles, City Conduit, or other City Infrastructure, or the Public Way disturbed or damaged by such Approved Applicant to its normal operating condition. If such Approved Applicant fails to perform such restoration or reconstruction to the satisfaction of the CDOT Commissioner within the time allotted, then the City may perform such restoration or reconstruction at the cost of the Approved Applicant. The City may also determine to undertake restoration or reconstruction with its own resources and the Approved Applicant shall pay or reimburse the City for any such costs at the City's standard rates.

7.2 Permitting.

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7.2.1 Attachment to Third-Party Property in the Public Way.

If an Approved Applicant has obtained permission from a third-party owner(s) to install Equipment on Third-Party Property in the Public Way, an Approved Applicant shall apply for permits to enter upon the Public Way to install such Equipment under applicable provisions of the Code. In obtaining the Public Way Permit, each Approved Applicant shall furnish to the City documentation of such permission from the individual owner(s) (or if power has been so delegated, to the managing agent for such Third-Party Property). All attachments to Third-Party Property are subject to the Design Guidelines.

7.2.2 Regulations for Shared Use of City Light Poles.

The City reserves the right to determine the placement of Small Wireless Facilities based on the current or future potential for shared use on City Light Poles with other facilities or equipment. If this shared use serves public purposes, such as City-sponsored projects benefiting the public and managed by a third party, every impacted Requestor or Applicant must yield to the City to achieve this shared usage.

To the extent that such shared use is intended for private parties to occupy the same City Light Poles for purposes which are not for City or public purposes (“**Shared Light Pole**”), any existing Approved Applicant of such Shared Light Pole shall be given notice and an opportunity to object to the shared use. The City shall limit the shared use of a City Light Pole to a maximum of two telecommunication vendors, installing a maximum of two Small Cell antennas (one antenna per vendor) on a single Shared Light Pole. However, if technically feasible, a single antenna shall be shared by multiple vendors. The City shall take into account potential physical hazards or, to the extent not already regulated by the FCC, material interference with any existing Network or Equipment, including evidence of radio frequency interference, of Approved Equipment involving private parties. As to matters not regulated by the FCC, the City may rely on the opinion of a certified engineer with experience in wireless telecommunications in determining whether such interference will materially interfere with any existing Network or Approved Equipment and whether any filtering will adversely affect transmission power levels and receiver sensitivity.

As to matters not regulated by the FCC, if material interference is likely in the opinion of such certified engineer, then the City may require that each Approved Applicant on a Shared Light Pole and each Requestor seeking to share the Shared Light Pole to the extent commercially reasonable and technically feasible, reconfigure its Equipment so as to minimize such interference. If the reconfiguration would result in a substantial cost to the existing user of the Shared Light Pole, then the City may require the new Requestor to reimburse the existing user such substantial demonstrated costs.

All matters regulated by the FCC, including matters relating to radio frequency interference under the jurisdiction of the FCC and allocation of costs of remediation between competing Approved Applicants shall be referred to the FCC for resolution.

7.2.3 Review of Information Submitted to the City.

The City may rely on the accuracy and professionalism of all information contained in the Installation Documents or otherwise furnished to the City as a part of an Application, an Upgrade,

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or a request to add an additional vendor. Approvals under these Rules or a Public Way Permit shall not negate the City's entitlement to rely on such information or shift any liability to the City as a result of such issuance.

In considering whether to approve an Application, an Upgrade, or a request to add an additional vendor, the City shall reasonably consider whether the following criteria weigh against issuing such approval:

- (a) Incompatibility of the Installation Unit with the City Light Pole or location desired; provided, if the Equipment has already been approved as Approved Equipment, the City will not re-evaluate suitability of the design of Approved Equipment for each location on City Light Poles, but shall confine such review to whether to approve the location of such Approved Equipment, subject to the safety and other considerations stated in these Rules and its configuration on the proposed City Light Poles described in the Application;
- (b) Public safety issues and structural limitations, including concerns about weight, height, and wind and stress loading.
- (c) Operational issues, such as the lack of room for excavation or construction in the applicable portions of the Public Way and design limitations as to specific Street Light Poles.
- (d) Material aesthetic considerations based on reasonable and competitively neutral design standards in the Design Guidelines or height considerations.
- (e) Potential interference (including but not limited to spectrum or frequency interference) with or prevention of the installation, operation, or maintenance of present or reasonably anticipated future City owned or sponsored projects, including but not limited to, communications or electronic or information systems such as OEMC cameras, fire alarms, ShotSpotter, wireless streetlight control nodes, and license plate readers, or, to the extent not regulated by the FCC, present or previously approved third-party projects, including communications or information facilities and services;
- (f) Inadequate electric service to a requested location.
- (g) Other factors which could render the requested location in the Public Way unsafe or unstable or subject to regulatory restrictions, such as the rules regarding tax-exempt bonds stated in these Rules. In particular, consideration shall be given to the impact of multiple private locations of Approved Equipment on or within a City Light Pole Facility, such as use of more than one City Light Pole constituting part of a City Light Pole Facility, prior to issuance of CDOT approval for such multiple locations.

7.3 Operation and Maintenance.

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7.3.1 Operations and Maintenance Standards.

Each Approved Applicant shall be responsible for any and all charges incurred in connection with the operation, maintenance, repair, and replacement of its Approved Equipment. Each Approved Applicant shall further restore and replace any property damaged as a result of such Approved Applicant's operations. Each Approved Applicant shall repair, support, protect, replace, maintain, and operate the Approved Equipment in a safe, orderly, and workmanlike manner utilizing only material of good, durable quality with due respect for engineering considerations and in accordance with applicable federal, state, and local Laws and regulations, including but not limited to, the standards set by the Code and attendant regulations. Each Approved Applicant shall perform such work in such manner and at such time as shall not interfere with the maintenance, repair, or replacement of the City Light Pole, City Infrastructure or the Public Way without express written approval of the City and authorized representatives of any applicable owners of Third-Party Property. Each Approved Applicant shall comply with applicable provisions of the Code, and applicable City ordinances and regulations, including these Rules and generally applicable written standards of CDOT.

7.3.2 Maintenance and Condition Inspections Upon City's Request.

Each Approved Applicant must maintain its Approved Equipment.

CDOT may request that an Approved Applicant inspect a City Light Pole with its Approved Equipment. Approved Applicants shall obtain any necessary permits to perform their inspections. The inspection shall include a structural and electrical review, including a check of (i) the foundation, (ii) the base, (iii) of both the mounted Equipment and the City Light Pole, (iv) the condition of electrical connections involving the Equipment, and (v) the electrical condition of all Equipment electrical wiring and cabling located in any City Conduit subject to a conduit use agreement.

The results of such inspection shall be furnished to the CDOT Commissioner upon request by the CDOT Commissioner within thirty (30) days following the request. If an inspection reveals any problem or deficiency which could render a City Light Pole or a City Conduit unusable, unsafe, or in violation of electrical codes or other applicable law, adversely affect City operations relating to such City Light Pole or City Conduit, or endanger the public, the Approved Applicant shall immediately notify the CDOT Commissioner and cooperate with the City in resolving the issue. All costs incurred by the City in connection with resolving any such problems or deficiencies which may have been caused by Approved Applicant's actions or operations with respect to Approved Equipment shall be paid by Approved Applicant within thirty (30) days of demand by the City. Failure to comply with this section may result in CDOT ordering removal of Approved Equipment.

7.3.3 City Inspections.

The City reserves its right to inspect Approved Equipment located in or on City Light Poles, in City Conduit or in the Public Way. Each Approved Applicant will accommodate the City's monitoring needs by making themselves available to assist the City as needed.

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If the City has reason to believe there is a material discrepancy between information submitted by an Approved Applicant and the size, location, number, or nature of Approved Applicant's Equipment or of the Network located on City Light Poles or on or within City Conduits, then the City may send its own personnel, or hire an engineering firm of the City's choice (the "City's Inspector"), to perform an unannounced physical audit of the Approved Equipment. Each Approved Applicant shall cooperate with such an audit. If the City's Inspector determines that a material discrepancy exists between the audit results and the information contained in the specifications, summaries, maps and drawings on file with CDOT, then CDOT may require that the noncompliant Equipment be removed. Approved Applicant shall pay to the City, within thirty (30) days of Approved Applicant's receipt of notice of the violation, the costs and fees of the audit by the City's Inspector as well as any required follow-up by the City's Inspector.

7.3.4 Five-Year Inspections.

On or before each fifth-year anniversary date of an approval under these Rules (and no earlier than six (6) months prior to such fifth anniversary date), each Approved Applicant at its own cost shall have an Illinois licensed structural engineer recertify the structural adequacy of each City Light Pole with its Approved Equipment, including the base, pole and mountings and anchor bolts ("**Five-Year Recertification**"). The Five-Year Recertification shall be uploaded to CDOT's electronic permitting portal no later than thirty (30) days following each fifth-year anniversary date. In the event a Five-Year Recertification reveals any problem or deficiency which could render a City Light Pole unusable, unsafe, or in violation of electrical codes or other applicable law, adversely affect City operations relating to such City Light Pole, or endanger the public, the Approved Applicant shall immediately notify CDOT and cooperate with the City in resolving the issue. All costs incurred by the City in connection with resolving any such problems or deficiency which may have been caused by Approved Applicant's actions or operations with its Approved Equipment shall be paid by Approved Applicant within thirty (30) days of demand therefor by the City. Failure to comply with this section is grounds for termination of any approvals issued under these Rules.

7.3.5 Emergency Access to City Light Poles or City Conduit.

In case of material outages or disruption of Approved Applicant's Equipment which can only be remedied by access to City Light Poles or City Conduit, the City shall provide an emergency telephone number and 24-hour monitored email address (312-746-4062) (CDOTDEOInfo@cityofchicago.org) so that City personnel can arrive to permit such access and repair. Approved Applicant shall be deemed responsible for any damages or disruption to City facilities, including City Infrastructure and the Public Way, caused by any such emergency access.

7.3.6 No Authorization to Provide Other Services.

Each Applicant shall indicate in its Application the Services that will be provided over the Facilities, and the Wireless Services Providers or other entities providing such Services, using City

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Light Poles and, if applicable, related City Conduit. The provision of any services other than those Services indicated in the Application shall constitute a material breach and shall be grounds for immediate termination of any approvals issued under these Rules upon written notice by the CDOT Commissioner. If any Approved Applicant desires to provide Services not described in the Application, then such Approved Applicant must seek approval for such additional Services from CDOT.

7.3.7 Reservation of Powers.

The City reserves any and all powers it may have, now or in the future, under applicable federal, State, or local law to regulate the use of the Public Way, the City Light Poles, and City Conduits. Each Approved Applicant shall be subject to all present and future ordinances of the City and applicable Rules. Nothing in these Rules shall constitute or be construed as a waiver of any Laws, codes, ordinances, or Rules of the City or of the City's rights to require compliance with all existing or future permitting or licensing requirements. Nothing in these Rules shall prevent the installation, operation, or maintenance by the City of a municipal or municipally-sponsored or selected Wi-Fi network.

7.3.8 Transfer of Authority.

In the event that the City Council transfers some or all of the authority currently vested in the CDOT Commissioner or the other respective Commissioners related to the implementation and enforcement of these Rules to any other commissioner or office of the City, the authority of the CDOT's Commissioner or the other Commissioners stated in these Rules shall be deemed automatically transferred to said other commissioner(s) or office(s) to the extent of the City Council transfer.

7.3.9 Responsibility for Fees and Annual Rent.

Each Approved Applicant shall be solely responsible for the payment of all Fees in connection with approvals and pre-approvals under these Rules and Approved Applicant's use of City Light Poles or related City Conduit.

Annual Rent shall be governed by the Master License Agreement. Should the FCC order, FCC 18-133, be repealed, the City reserves the right to increase Annual Rent and Fees to reflect market rates.

7.3.10 City Simplified Telecommunications Tax.

To the extent any Person sells its services to end users and is engaged in a "sale at retail" of "telecommunications" as those terms are defined in Section 3-73-030 of the Code, such Person shall be subject to payment of the tax stated in the Section 3-73-030 of the Code and shall comply at all times with the current provisions of such sections. Payment of any municipal telecommunications tax to the City under Section 3-73-030 of the Code is an obligation under law that exists independently of these Rules, and payment thereof shall not constitute a franchise

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fee or any other form of compensation solely for the use or occupancy of the Public Way under these Rules. Any violation of Section 3-73-030 of the Code shall constitute a violation of these Rules and may be grounds for suspension or termination of any approvals issued under these Rules.

7.3.11 Removal of Equipment at City's Direction.

Upon thirty (30) days' written notice, the CDOT Commissioner may require any Approved Applicant to remove its Approved Equipment or related electrical wiring or communication cabling from a City Light Pole or City Conduit at Approved Applicant's sole cost and expense if the City reasonably determines that the removal is needed for any of the following purposes: (a) required for the construction, completion, repair, relocation, or maintenance of a City project; (b) because a City Light Pole or City Conduit upon which or in which Approved Equipment has been attached is being eliminated or reconstructed, whether due to undergrounding of utilities, relocation, or other cause; (c) because the Approved Equipment located on a City Light Pole or in a City Conduit has been Abandoned; (d) because the Approved Equipment or Network is interfering with or adversely affecting proper operation of City Light Poles, traffic signals, communications facilities or other City or public operations or Equipment; (e) to protect or preserve the public health or safety or for another public purpose, or to maintain a reasonable distance from Third-Party Property; (f) because of a sale or vacation of affected portions of the Public Way by the City; (g) because there is a change of use of the affected portions of the Public Way provided such change of use affects other similarly licensed users; (h) because the City Light Pole or City Conduit or a third-party utility pole in the Public Way is damaged or being removed, relocated or replaced; (i) . . . or (i) to preserve the tax exempt status of any bond pursuant to these Rules.

Except for (c) or (d) above, the City will reasonably cooperate with the affected Approved Applicant to find a reasonably equivalent alternate location for relocation. Upon receipt of such notice, the City and the affected Approved Applicant shall provide for such removal or relocation as promptly as possible within such time frame as the City deems reasonable but not to exceed thirty (30) days, and such Approved Applicant shall diligently proceed on such agreed upon basis.

In an emergency, as determined by the CDOT Commissioner, the City may order any Approved Applicant to remove its Approved Equipment within forty-eight (48) hours.

Any removal or relocation of the Approved Equipment as provided in this section shall be conducted in a manner approved by the CDOT Commissioner. The calculation of Annual Rent shall be adjusted according to such removal, abandonment or relocation.

7.3.12 Removal of Equipment Damaged in a Casualty Event.

Wherever, in case of fire or other casualty event or damage due to civil unrest, it becomes necessary in the judgment of the City to remove any Approved Equipment or to adversely affect the Services or Network, no charge shall be made by any Approved Applicant against the City for restoration and repair. If Approved Applicant shall fail to remove or relocate any Approved Equipment as requested by the City within a reasonable time, but in any event, not to exceed thirty

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(30) days without the agreement of the City, the City shall be entitled to remove the affected Approved Equipment at such Approved Applicant's sole cost and expense, without further notice to such Approved Applicant, and such Approved Applicant shall reimburse the City on demand for its expenses incurred in the removal, relocation, and disposal of the Approved Equipment. Nothing in this section shall prevent any conduit use agreement for the use of City Conduit from providing additional remedies for the City.

7.3.13 Present Condition of Locations in the Public Way, City Conduit and on City Light Poles.

All City Light Poles, City Conduit and portions of the Public Way are presented for use in "as-is" condition. The City makes no warranty, either express or implied, as to the condition, availability or suitability of any City Light Pole, City Conduit or portions of the Public Way used by any Approved Applicant or that such City Light Pole, City Conduit or portions of the Public Way will be suitable for such Approved Applicant's purposes or needs. Neither the City nor any of its officers and employees shall be liable for any damage to the property of any Approved Applicant, its officers, employees, contractors or subcontractors, or to their employees, or for any bodily injury or death to such persons resulting or arising from any Approved Applicant's construction, maintenance and operation of its Network or the activities authorized by these Rules. Except as stated in these Rules, each Approved Applicant undertakes its activities under approvals under these Rules entirely at such Approved Applicant's sole risk. Each Approved Applicant is fully responsible for any personal injury or property damage that may occur because of such Approved Applicant's use of the City Light Poles, City Conduit, or the Public Way. Each Approved Applicant, on behalf of itself and its successors and assigns, is deemed to waive its rights to recover from the City and its employees and officers from any and all claims, whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise or in any way be connected with the physical or environmental condition of the City Light Poles, City Infrastructure, City Conduit, or the Public Way, except to the extent of willful or wanton misconduct of the City or its agents arising after installation of the affected Approved Equipment.

7.3.14 Waiver of All Claims.

Each Approved Applicant is deemed to assume the risk of service interruptions and/or the making of any expenditures in connection with complying with these Rules. Without limiting any indemnification obligations of any Approved Applicant or other waivers contained as a material provision in these Rules, except to the extent prohibited by law, each Approved Applicant is deemed to fully release, waive and discharge any and all claims, demands, rights and causes of action against the City based on the City's removal or relocation of Approved Equipment under these Rules, regardless of the cause and whether or not due to the negligence of the City or its agents. Except to the extent prohibited by law, each Approved Applicant is deemed to covenant not to sue the City, its employees, and officers and all persons acting through any of them under any present or future Laws, including but not limited to any claims for inverse condemnation, lost profits or goodwill, interference with operations, consequential, incidental or punitive damages or the payment of just compensation under the laws of eminent domain, or otherwise at equity due to the City's removal or relocation of Approved Equipment under these Rules, regardless of

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the cause and whether or not due to the negligence of the City or its agents. The City's willingness to issue approvals under these Rules is expressly conditioned on this waiver of liability.

7.3.15 Quality of Work; Restoration of Work Site.

All work performed by an Approved Applicant or its Contractors affecting City Light Poles or City Conduits, including all workmanship and materials, shall be of acceptable quality and shall be performed in accordance with and under specific work and use permits issued under the Code. Any additions and alterations affecting City Light Poles or City Conduits shall be installed in a good workmanlike manner and only new (or, upon the approval of the City, used), structurally sound, durable, and high-grade materials shall be used. The work may be inspected by CDOT. Upon completion of the installation of Approved Equipment, an Approved Applicant shall promptly restore all work sites to a condition satisfactory to the City and in accordance with the construction standards specified in the permit, Rules, and CDOT's Rules and Regulations for Construction in the Public Way.

7.3.16 Contractual Obligations.

All Approved Applicants shall discharge when due all obligations to contractors, materialmen, workmen, suppliers, and others for all work performed and for all materials furnished related to installation of Approved Equipment under these Rules.

7.3.17 Liens.

Each Approved Applicant shall keep the City Light Poles and City Conduit and the Public Way which it uses free and clear of any and all liens in any way arising out of the installation, operation, or maintenance of the Approved Equipment.

7.3.18 Assumption of Risk.

Each Approved Applicant assumes and is responsible for all risk of loss, damage, theft, or destruction of any or all of such Approved Applicant's Equipment or of the Network, including damage caused by the removal of Approved Equipment as allowed under these Rules and whether or not due to the negligence of the City or its agents. The City takes no responsibility for spectrum interference by any person with the operations of any Approved Applicant or its equipment, regardless of the cause and whether or not due to the negligence of the City or its agents.

7.3.19 Compliance with Laws.

Each Approved Applicant shall comply with all applicable federal, State, and City laws, executive orders, technical specifications, and requirements and all applicable State and local codes related to the construction, installation, operation, maintenance, and control of Approved Equipment (including, but not limited to the regulations and standards of the Federal Occupational Safety and Health Administration, Federal Communications Commission).

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No Approved Applicant shall attach, install, maintain, or operate any Equipment on City Light Poles without obtaining the appropriate approvals described under these Rules, as well as all necessary and applicable Public Way use and work permits under the Code. All work in the Public Way shall comply with CDOT's rules for work in the Public Way.

Each Approved Applicant shall comply with all Laws relating to environmental matters, including without limitation those relating to fines, orders, injunctions, penalties, damages, contributions, cost recovery compensation, losses or injuries resulting from the release or threatened release of Hazardous Material, special wastes or other contaminants including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*), the Hazardous Material Transportation Act (42 U.S.C. § 1801 *et seq.*), Clean Water Act (33 U.S.C. § 1251 *et seq.*), the Clean Air Act (42 U.S.C. § 7401 *et seq.*), the Toxic Substances Control Act of 1986 (15 U.S.C. § 2601 *et seq.*), the Safe Drinking Water Act (42 U.S.C. § 300f), the Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 *et seq.*), the Emergency Planning and Community Right-to-Know Act (42 U.S.C. § 11001 *et seq.*), the Illinois Environmental Protection Act (415 ILCS 5/1 *et seq.*) including 415 ILCS 5/17.12, and applicable provisions of the Code (including but not limited to Sections 7-28-390, 7-28-440, and subsections 1410, 1420, 1450, 1500, 1530, 1550 and 1560 of Chapter 11-4), each as amended or supplemented, and any analogous future or present State or federal statutes, rules and regulations promulgated thereunder or pursuant thereto, and any other present or future law, ordinance, rule, regulation, permit, or permit condition, order, or directive regulating, related to, or imposing liability or standards of conduct concerning any Hazardous Materials or by the federal government, any State or any political subdivision thereof, or any Agency, court, or body of the federal government, any State or any political subdivision thereof exercising executive, legislative, judicial, regulatory, or administrative functions (collectively "Environmental Laws").

If an Approved Applicant fails to comply with any of the above referenced Laws, the City may terminate any approvals under these Rules.

For the purpose of this provision, the following definitions shall apply:

(a) "Hazardous Materials" means friable asbestos or asbestos-containing materials, polychlorinated biphenyls (PCB's), petroleum or crude oil or any fraction thereof, natural gas, special nuclear materials; and by-product materials regulated under the Atomic Energy Act (42 U.S.C. § 2011 *et seq.*), pesticides regulated under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 136 *et seq.*) and any hazardous waste, toxic or dangerous substance or related material, including any material defined or treated as "hazardous substance", "hazardous waste", "toxic substance", or contaminant (or comparable term) under any of the Environmental Laws.

(b) "Special Wastes" means those substances as defined in Section 415 ILCS 5/3.45 of the Illinois Environmental Protection Act, and as further referred to in Section 809.13 of 35 Illinois Code, Subtitle G, ch.1.

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All approvals under these Rules incorporate the provisions of Paragraphs 3C2, 3C3, 3C4, and 8A through 8G of CDOT's Regulations for Openings, Construction and Repair in the Public Way.

7.3.20 No Introduction of Hazardous Materials; Dangerous Conditions.

No Approved Applicant shall introduce or generate any hazardous substance or create any risk to the public of hazardous materials. Nor shall any Approved Applicant store, transport or dispose of any hazardous substance in the Public Way, nor transport to or install in, on or over the Public Way or City Light Poles or in City Conduit any hazardous substance. All battery back-up Equipment shall meet applicable national codes and any applicable City requirements in the Code.

7.3.21 Risk to Health and Safety.

Except to the extent preempted by Federal law, if at any time it is determined by the City or other government authority, in its sole discretion and judgment, that any part of the Network or the Approved Equipment presents a risk to the health or safety of any person, then the Approved Applicant whose Approved Equipment is causing such risk shall, at its sole cost and expense, promptly correct all such conditions to the satisfaction of the City or such governmental authority or remove its Approved Equipment from the City Light Poles, City Conduits, the Public Way or Third-Party Property.

7.3.22 Interference; Burden.

Each Approved Applicant shall not interfere in any manner with the existence and operation of any and all public and private rights of way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telecommunications wires, electroliers, cable television, vaulted sidewalk space and other utility, City camera operations, smart lighting nodes, or municipal property except as permitted by applicable Laws, these Rules or the express written consent of the owner or owners of the affected properties. Breaches of such requirements may lead to modification or revocation of any or all approvals or permits held by an Approved Applicant with respect to its Approved Equipment.

In the event that the City determines that any characteristic or location of Approved Equipment, either planned or presently constructed, unduly burdens any portion of any City Infrastructure or Public Way, now or in the future, the Approved Applicant shall be required either to modify its Approved Equipment, or to take such actions as the City shall reasonably determine for the sake of public convenience to eliminate the problem within the time frame provided by the City and the Code. Failure to comply with this Section in a timely fashion shall be grounds for termination of approvals under these Rules.

7.3.23 Alteration or Damage to City Infrastructure or Public Way.

Whenever the removal, maintenance or relocation of Approved Equipment are required or permitted under these Rules, and such removal or relocation shall cause the Public Way or City

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Infrastructure to be damaged or to have been altered in such a manner as to make them unusable, unsafe, or in violation of electrical codes or other applicable law, or adversely affect City operations or endanger the public, an Approved Applicant, at its sole cost and expense, shall promptly repair and return the portions of the Public Way or City Infrastructure within which or on which the Equipment are located to their original condition and in accordance with currently applicable Laws, normal wear and tear (unrelated to an Approved Applicant's activity) excepted. If such Approved Applicant does not repair and restore such portions of the Public Way or City Infrastructure as just described, then the City shall have the option, upon fifteen (15) days' prior written notice to such Approved Applicant, to perform or cause to be performed such reasonable and necessary work on behalf of such Approved Applicant and to charge such Approved Applicant for the proposed costs to be incurred or the actual costs incurred by the City at the City's standard rates. Upon the receipt of a demand for payment by the City, an Approved Applicant shall immediately reimburse the City for such costs. The provisions of this paragraph shall survive the expiration, completion or early termination of any approvals under these Rules.

7.3.24 Emergency or Disaster.

In case of emergency or disaster, each Approved Applicant shall, upon request of the City, make available its facilities to the City, without cost, for emergency use, to the extent such facility or access can be provided without violating Approved Applicant's service obligations imposed by the Illinois Commerce Commission or another regulatory body having jurisdiction or violating a material contractual obligation.

In case of material outages or disruption of Approved Applicant's Equipment which can only be remedied by access to City Light Poles or City Conduit, the City shall provide an emergency telephone number and 24-hour monitored email address (312-746-4062) (CDOTDEOInfo@cityofchicago.org) so that City personnel can arrive to permit such access and repair. Approved Applicant shall be deemed responsible for any damages or disruption to City facilities, including City Infrastructure and the Public Way, caused by any such emergency access.

7.3.25 Technical or Spectrum Interference.

In its operations, each Approved Applicant shall not interfere with the technical operations of any telecommunication or information service, or system operated by or on behalf of or under the sponsorship of the City. Each Approved Applicant shall cease any such operations or shall adjust its operations to cease such interference and shall, to the extent deemed necessary by the City, cease using the City Light Poles or City Conduit or portions thereof which are related to such interference. Interference shall mean both spectrum and other forms of interference. With respect to telecommunications or information systems not operated by or on behalf of the City, each Approved Applicant is required to comply with the Federal Communications Act and applicable rules and regulations of the FCC with respect to radio spectrum or other interference.

7.3.26 Suspension or Revocation of Approvals under These Rules.

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With respect to installation of Approved Equipment, the City may suspend or revoke any Public Way Permit or take any action deemed necessary, including the stopping of work, should an Approved Applicant violate the terms of a Public Way Permit, until said violation has been corrected to the City's satisfaction.

Should an Approved Applicant or its Contractors violate the terms of any applicable provisions of the Code or these Rules or the City issues a citation to an Approved Applicant or its Contractors, the CDOT Commissioner may suspend or revoke the approval for Approved Equipment or take any other action such officials may deem necessary, including the stopping of work or operations until the violation is corrected to the satisfaction of said official or officials. Failure to correct such violation may lead to revocation of all approvals for Approved Equipment. Any delay in suspension or revocation of approval for Approved Equipment for cause shall not constitute a waiver and no Approved Applicant shall be relieved from its obligations under the Code, these Rules, or the Master License Agreement.

Noncompliance with the Approved Design shall be grounds for revocation of any approvals under these Rules.

7.3.27 Removal of Equipment.

Upon revocation, expiration or termination of the Master License Agreement or approval of Approved Equipment, an Approved Applicant, without cost to the City, shall promptly remove or abandon in place, at the option of the CDOT Commissioner, Approved Equipment installed on a City Light Pole, in City Conduit or in the Public Way and restore the same to the satisfaction of the CDOT Commissioner. If an Approved Applicant fails to remove Approved Equipment installed on a City Light Pole, in City Conduit or the Public Way within one hundred twenty (120) days of such revocation, expiration or termination, the CDOT Commissioner may have such Approved Equipment removed at the cost of the Approved Applicant or determine that the Approved Equipment is now Abandoned Property and owned by the City. Each Approved Applicant responsible for such Approved Equipment is also responsible for reimbursement of the costs of any such removal. Any delay in revocation or termination of any approvals under these Rules shall not constitute a waiver and Approved Applicant shall not be relieved from its obligations under the Code, these Rules, and any approvals issued under these Rules.

7.3.28 Nonconformity; Trespassing Facilities.

It is a violation of these Rules to materially change the size and/or weight of existing Approved Equipment without prior CDOT approval. In addition to any other submittal requirements, an Approved Applicant shall provide a detailed structural analysis for any Equipment or Installation Unit that is increased in size and/or weight. The City may approve or disapprove the use of such different Equipment or different Installation Unit in accordance with these Rules.

Any Equipment of Approved Applicant or of any third-party, whether or not constituting Approved Equipment, which is installed on a City Light Pole, in City Conduit or in other City

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Infrastructure or in the Public Way whose specific location is not authorized by an approval under these rules or whose Equipment does not conform to what is approved as Approved Equipment under these Rules or a valid conduit use agreement under these Rules shall be known as a “Trespassing Facility.” Upon discovery of a Trespassing Facility, the City may order immediate removal of such Trespassing Facility, seek damages, or pursue any other remedy under the Code or State law. The City may also provide a grace period for correction of the violation or impose fines as stated in the Code.

7.3.29 Tax-Exempt Bond Restrictions on City Light Poles and/or City Conduit.

City Light Poles or City Conduit may have been financed with tax-exempt City bonds. The private utilization of such City Light Poles and City Conduit is limited by requirements to preserve tax-exempt bond status.

In adherence to these restrictions, all Small Cell installations must be on Replacement Poles, the full cost of which is to be borne by the Approved Applicant. The original City Light Pole that is replaced shall be returned to the City. If such City Light Pole is past its useful life, the City may dispose of such City Light Pole. If the City Light Pole is not past its useful life, then the City will place the City Light Pole in storage with the expectation of reuse at another City location.

7.3.30 Indemnification.

Indemnification shall be the same as outlined in the Applicant’s MLA. Should Applicant not have an MLA, Indemnification shall be as follows:

Each an Approved Applicant shall be solely responsible for the support, safety, and protection of its Approved Equipment and for the safety and protection of all persons and all property coming into contact with Approved Applicant’s Equipment or operations.

To the maximum extent permitted under Illinois law, and at its sole cost and expense, each Approved Applicant shall indemnify, defend, keep, and save completely harmless the City, its officials, boards, commissions, and employees (collectively, the “**Indemnified Parties**”) from and against any and all suits, causes of action, proceedings, judgments, claims, losses, damages of any kind, nature or description (whether such claims and damages are for personal injury or death of a person, property damage, or interruption of utility service). liabilities, and breach of these Rules, costs, and expenses of any kind, nature or description (collectively referred to as “**Claims**”) arising out of, caused by, or resulting from the grant of rights pursuant to these Rules and Approved Applicant's installation, maintenance, and operation of its Approved Equipment or the Network, unless the cause is due to the gross negligence or willful acts of the City or its agents.

The City shall have the right, at its option and at Approved Applicant’s expense, to participate in the defense of any suit without relieving Approved Applicant of any of its obligations under these Rules. The term “Claim” specifically shall be deemed to include, but not be limited to, any liability for the payment of Workers’ Compensation under the Illinois laws which the City is required to make, and Approved Applicant shall reimburse the City for any such payment made

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by the City. In accepting the terms of these Rules and in entering into any conduit use agreement, each Approved Applicant shall be deemed as a condition of its acceptance, to understand and agree that the insurance required by these Rules (and by any conduit use agreement) shall in no way limit the responsibility of each Approved Applicant to indemnify, keep, and save harmless and defend the Indemnified Parties as required by this Section.

Indemnification expenses shall include, but not be limited to, all out-of-pocket expenses of the Indemnified Parties in connection with the defense of any such Claims such as reasonable attorneys' fees and shall also include the reasonable value of any services rendered by the City's Corporation Counsel and/or his, her or their staff attorneys, assistants or any consultants, employees, or agents of the City. To the extent permissible by law, each Approved Applicant waives any limits on such Approved Applicant's liability that it would otherwise have by virtue of the Illinois Workers' Compensation Act or the judicial decision of *Kotecki v. Cyclops Welding Corporation*, 146 Ill. 2d 155 (1991). However, the City does not waive any limitations it may have on its liability under the Illinois Workers' Compensation Act or under the Illinois Pension Code. The indemnities contained in these Rules shall survive the expiration or termination of any approvals under these Rules and the Master License Agreement.

The City may (but is not obligated to) defend any such Claim or suit at an Approved Applicant's expense if such Approved Applicant fails to defend such Claim or abandons the defense of such Claim or suit without the City's express consent.

7.3.31 Relationship to Approvals under These Rules.

Approvals under these Rules or the execution of any agreement provided for under the Code or these Rules to an Approved Applicant or any Contractor or assignee shall not constitute an act of wanton or willful misconduct. Nothing stated in these Rules shall be deemed a waiver by the City of any defenses or immunities relating to an Approved Applicant or an Approved Applicant's property, or to any other person or entity or their respective property, that are or would otherwise be available to the City or its corporate authorities, officers and employees under provisions of the Tort Immunity Act, or that otherwise are available to local governments and their corporate authorities, officers, and employees under the common law of the State or the United States of America.

7.3.32 Waiver of Claims.

Each Approved Applicant is deemed to waive any and all claims, demands, causes of action, and rights it may assert against the City on account of any loss, damage, or injury to any portion of the Approved Equipment or Network or any loss or degradation of the Services including, but not limited to, actions by persons or entities other than the City or its corporate authorities, officers or employees, except as otherwise set forth in these Rules.

7.3.33 Limitation of City's Liability.

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The City shall be liable only for the cost of repair to damaged Approved Equipment arising from the willful or wanton misconduct of the City, its corporate authorities, officers, or employees as determined by final judgment of a court of final jurisdiction. The City shall not be liable for interference (including, but not limited to spectrum interference) by the City or any Approved Applicant or third-party with the communications of any Approved Applicant or any third-party.

7.3.34 Required Insurance Coverage.

At all times during the term of any approvals under these Rules, and thereafter during such time as may be required to remove Equipment or Network and restore the City Poles, City infrastructure, and the Public Way to their prior condition, each Approved Applicant shall obtain and pay all premiums for the insurance coverages and requirements covering all risk associated with the installation, repair, maintenance, removal, and operation of such Approved Applicant's Equipment or Network specified below:

(a) Workers' Compensation and Employers' Liability Insurance. Workers' Compensation and Employer's Liability Insurance as prescribed by applicable law, covering all employees who are to provide a service under these Rules or the Master License Agreement and Employer's liability coverage with limits of not less than \$1,000,000 each accident or illness or such higher amount as may be required by law.

(b) Commercial General Liability Insurance (Primary and Umbrella). Commercial General Liability Insurance or equivalent with limits of not less than \$5,000,000 per occurrence, for bodily injury, personal injury, and property damage liability. Coverage shall include the following: All premises and operations, products/completed operations (for a minimum of two (2) years following project completion), separation of insureds, defense, and contractual liability (with no limitation endorsement). The City is to be named as additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the work including installation, maintenance and removal of any Equipment.

(c) Automobile Liability Insurance (Primary and Umbrella). When any motor vehicles (owned, non-owned, and hired) are used in connection with the construction, installation, maintenance, and operation of Equipment or Network, Approved Applicant shall provide Automobile Liability Insurance with limits of not less than \$2,000,000 per occurrence for bodily injury and property damage. City shall be named as an additional insured on primary, noncontributory basis.

(d) Property. Approved Applicant or Approved Applicant's Contractor is responsible for any loss or damage to City's property at full replacement cost. Approved Applicant or Approved Applicant's Contractor is responsible for all loss or damage to personal property (including but not limited to materials, equipment, tools, and supplies) owned, rented, or used by either Approved Applicant or Contractor.

(e) Railroad Protective Liability. When any work is to be done adjacent to or on railroad or transit property (e.g., CTA) Approved Applicant or Approved Applicant's contractor must provide or cause to be provided, with respect to the operations that such contractor

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or subcontractors perform, Railroad Protective Liability Insurance in the name of railroad or transit entity. The policy must have limits of not less than \$2,000,000 per occurrence and \$6,000,000 in the aggregate for losses arising out of injuries to or death of all persons, and for damage to or destruction of property, including the loss of use thereof.

(f) Professional Liability. When any architects, engineers, construction managers or other professional consultants perform work in connection with any permit, Professional Liability Insurance covering acts, errors, or omissions must be maintained with limits of not less than \$1,000,000. Coverage must include contractual liability. When policies are renewed or replaced, the policy retroactive date must coincide with or precede start of work pursuant to the permit. A claims-made policy which is not renewed or replaced must have an extended reporting period of two (2) years.

(g) In the case of each conduit use agreement, the limits of insurance coverage set forth herein shall be incorporated and shall be increased to the limits said forth in such conduit use agreement.

Each Approved Applicant will furnish to CDOT at 2 North LaSalle Street, 11th Floor, Chicago, Illinois 60602, Attention: Commissioner, original Certificates of Insurance evidencing the required coverage to be in force under this Agreement and Renewal Certificates of Insurance, or such similar evidence, if the coverages have an expiration or renewal date occurring during the term of this Agreement. Copies of such forms and renewals shall also be furnished to the City of Chicago, Risk Management Department, DePaul Center, 333 South State Street, Room 400, 60604. Such evidence of insurance shall be submitted on the then-current City of Chicago Insurance Certificate Form or equivalent certificate reasonably satisfactory to the City of Chicago, Risk Management Department. The receipt of any certificate does not constitute agreement by City that the insurance requirements in this Agreement have been fully met or that the insurance policies indicated on the certificate are in compliance with all requirements of this Agreement. The failure of City to obtain certificates or other insurance evidence from any Approved Applicant shall not be deemed to be a waiver by City. Each Approved Applicant shall advise all insurers of the provisions of this Agreement regarding insurance. Nonconforming insurance shall not relieve any Approved Applicant of the obligation to provide insurance as specified herein. Nonfulfillment of the insurance conditions is a violation of this Agreement, and City retains the right to stop work until proper evidence of insurance is provided or to terminate any issued permit at the discretion of City.

(a) The insurance shall provide for 60 days' prior written notice to be given to City in the event coverage is substantially changed, canceled, or non-renewed.

(b) Any and all deductibles or self-insured retentions on referenced insurance coverages shall be borne by the Approved Applicant.

(c) insurers shall waive their rights of subrogation against City, its employees, elected officials, agents, or representatives.

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- (d) Any coverages and limits furnished by Approved Applicant shall in no way limit such Approved Applicant's liabilities and responsibilities specified under the Rules, the Master License Agreement, or by law.
- (e) Any insurance or self-insurance programs maintained by City shall apply in excess of and not contribute with insurance provided by such Approved Applicant under these Rules.
- (f) The required insurance shall not be limited by any limitations expressed in the indemnification language herein or any limitation placed on the indemnity therein given as a matter of law.
- (g) All subcontractors to provide the insurance required herein or such Approved Applicant may provide the coverages for subcontractors. All subcontractors shall be subject to the same insurance requirements of the Approved Applicant.
- (g) If an Approved Applicant or subcontractor desires additional coverages, such Approved Applicant and each subcontractor shall be responsible for the acquisition and cost of such additional protection.
- (i) The City of Chicago Risk Management Department maintains the right to modify, delete, alter, or change these requirements.

7.3.35 Letter of Credit.

As security for performance, each Approved Applicant shall provide the City with an original, irrevocable, unconditional and valid letter of credit ("**Letter of Credit**") with the following features:

- (a) The Letter of Credit shall name the City of Chicago, Department of Transportation, as beneficiary. The Letter of Credit shall be a "clean" letter of credit, requiring only sight drafts for proper presentment, shall permit partial and multiple draws; and shall be in the form shown in Exhibit B. The Letter of Credit shall be issued by a bank with an office for presentment located in Chicago, Illinois. If an Approved Applicant is unable to meet this requirement, then the Letter of Credit shall by its terms permit any and all drafts for presentation by email address.
- (b) Approved Applicant shall maintain the Letter of Credit for the duration of the time its Approved Equipment is on City Light Poles and shall further maintain the Letter of Credit for three (3) years following the termination or expiration of the occupation of Approved Equipment on City Light Poles. For example, if occupation of Approved Equipment expires or terminates in June of 2024, the Letter of Credit may not expire before midnight on June 30, 2027.
- (c) The dollar amount of the Letter of Credit shall be five hundred thousand dollars (\$500,000) for the use of City Light Poles.
- (d) The dollar amount of the Letter of Credit shall be increased to account for the use of City Conduit under a conduit use agreement as stated in such conduit use

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agreement. Approved Applicant may provide a separate Letter of Credit to secure a conduit use agreement rather than one combined Letter of Credit securing both the use of City Light Poles and City Conduits.

(e) All Letters of Credit must be issued by financial institutions that are insured depository institutions (as defined in 12 USC Section 1813). The financial institution may be subject to the prior approval of the City Comptroller. The financial institution issuing the Letter of Credit preferably shall be located within, or have a branch located within the Chicago metropolitan area and shall carry an investment grade rating from one of the major rating agencies.

(f) Except for an authorized extension of the expiration date, the above described Letter of Credit must be maintained unchanged from the terms initially approved by the City and must be maintained uninterrupted for the duration of the period specified in paragraph (b) above of this Section. If the Approved Applicant allows the Letter of Credit to be cancelled or to expire or otherwise lapse, the approval for Approved Equipment will be rendered void and the Approved Applicant shall be subject to the penalties for violation set forth in these Rules, Chapter 10-29 of the Code and other applicable provisions of the Code. Upon being notified that a Letter of Credit will be cancelled or will not be extended and upon determining that such cancellation or failure to extend is improper, the City may draw upon the Letter of Credit pending resolution of the issue. In the event that the City draws from the Letter of Credit, Approved Applicant shall take any action required to restore the Letter of Credit to its full amount within three (3) days of notification by the City of its draw against the Letter of Credit.

(g) If circumstances cause the financial institution issuing the Letter of Credit to fail financially or no longer meet the approval of the City Comptroller, Approved Applicant shall promptly arrange for a replacement Letter of Credit to be issued by an acceptable financial institution.

(h) In order to avoid processing delays and possible additional costs from the applicant's financial institution, the submission to CDOT of a draft Letter of Credit, in the form of Exhibit B for review and approval is encouraged. The draft Letter of Credit should be submitted to CDOT at 2 N. LaSalle Street, 11th Floor, Chicago, IL 60602 ATTN: Permitting Office. The original of the Letter of Credit should be sent to CDOT at the same address.

(i) Upon consultation with the City's Corporation Counsel and upon being satisfied that adequate security is provided, the City, for good cause shown, may accept an existing Letter Of Credit naming the City as a beneficiary or other form of security as a substitute for the Letter of Credit required by this section.

(j) The Letter of Credit required by these Rules shall be used to ensure the faithful performance by an Approved Applicant and its Contractors of their obligations under any approvals issued under these Rules as well as the performance of any Contractor performing work related to those approvals, and to remedy any defaults or violations thereunder, and to ensure compliance with all orders, licenses, approvals under these Rules, and directions of City, and to pay any penalties, liens, claims, and taxes due the City

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pursuant to approvals issued under these Rules. Furthermore, such Letter of Credit may be drawn to repay the City for any damages, costs and expenses incurred by the City in connection with the acts or omissions of an Approved Applicant and its Contractors concerning or connected with any matter covered under approvals under these Rules or any violation of these Rules or the Code.

(k) In the absence of a dangerous condition that poses an imminent threat (see paragraph (l) below), if the actions or omissions of an Approved Applicant or its Contractor results in the conditions for a draw, the City shall provide the Approved Applicant with notice by certified mail of the conditions for a draw and an opportunity to respond, and will provide Approved Applicant with a reasonable time period, not to exceed thirty (30) days, unless specifically agreed to by the City, to correct the conditions before drawing on the Letter of Credit.

(l) If actions or omissions of an Approved Applicant or its Contractors result in a dangerous condition that poses an imminent threat to the safety of pedestrians, motorists or others near a City Light Pole or the Public Way and makes notice impractical, the City may correct or arrange for the correction of the condition and shall provide the Approved Applicant with notice, by certified mail, of the cost incurred and an opportunity to respond, and shall provide the Approved Applicant within forty-eight (48) hours from the mailing of the notice to remit funds to cover the City's costs before drawing on the Letter of Credit.

The City may, in its discretion, draw upon the Letter of Credit, either simultaneously or sequentially, of one or more Approved Applicants holding or performing work under these Rules. Any such draw shall comply with the procedures stated in this section.

The City's right to recover under the Surety Bond shall be in addition to any other rights it may have pursuant to these Rules or under law. Any proceeds recovered under the Surety Bond may be used to reimburse the City for loss of payment of any fees due under these Rules by a Approved Applicant and shall include principal and overdue interest, if any, and liquidated damages, if any, in case of default and other valuable consideration given under these Rules, and to pay additional costs and expenses incurred by the City directly or as a result of such Approved Applicant's failure to comply with these Rules including, but not limited to: attorneys' fees and the costs of any action or proceeding or judgement against the City, the cost of removal, relocation, or abandonment of such Approved Applicant's facilities, and the costs of any auditing costs and fees. For the City to recover from the surety or from such Approved Applicant under this Section for removal or relocation of the Approved Equipment and repair, maintenance, or restoration of the Public Way, it is not necessary that the City first perform such work. The City shall determine the costs of performing said removal and relocation of Approved Equipment or repair, maintenance, or restoration of the Public Way, and its decision as to the amount shall be final and binding. The Surety Bond shall provide that, upon receiving written notification from the City of the reasonable cost of said removal or restoration of Approved Equipment or repair or maintenance of the Public Way, or restoration, Approved Applicant and the surety shall pay said amount upon demand together with other related costs occasioned by such default.

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The Surety Bond called for in these Rules shall be issued by a financial institution authorized to do business in Illinois that is reasonably satisfactory to the City Comptroller and City's Corporation Counsel. The financial institution issuing the bond shall be located or have a branch within Chicago, Illinois and shall carry the highest-grade rating from a major rating company. The City shall be entitled to, make a claim on any Surety Bond in satisfaction of this section on a date prior to the termination date of the Master Licensing Agreement at least thirty (30) days prior to the expiry date thereof unless either: (i) proof of renewal of such Surety Bond has been furnished to the City's Corporation Counsel, or (ii) a replacement Surety Bond has approved by the City's Corporation Counsel prior to such draw date. The City also has the right to stop any work related to the carrying out of these Rules until the Surety Bond is furnished.

If the financial condition of any Surety Bond issuer issuing a Surety Bond under this section materially and adversely changes, the City may, at any time, require that such Surety Bond be replaced with another Surety Bond consistent with the requirements stated in this section.

No Approved Applicant shall materially change or alter the terms or conditions of the Surety Bond referred to herein or replace or cancel said Surety Bond without prior approval of the City's Corporation Counsel.

None of the provisions contained herein nor the Surety Bond required herein shall be construed to excuse the faithful performance by an Approved Applicant of the terms and conditions of these Rules and any approvals issued under such Rules or limit the liability of the Approved Applicant under these Rules and any approvals issued under such Rules for any and all damages in excess of such Surety Bond.

7.3.36 City Information.

All information in any form prepared, assembled or provided by the City in connection with these Rules or the use of City Conduit pursuant to a conduit use agreement ("**City Information**") is the property of the City and is confidential, except as specifically authorized in these Rules or as may be required by law. Approved Applicant must not allow City Information to be made available to any other individual or organization without the prior written consent of the CDOT Commissioner. Approved Applicant must implement such measures as may be necessary to ensure that its staff and its Subcontractors are bound by the confidentiality provisions in these Rules.

7.3.37 Prohibition Against Publicity.

Approved Applicant must not issue any publicity news releases or grant press interviews which reveal City Information, and except as required by law, disseminate any information regarding the City Information without the prior written consent of the CDOT Commissioner.

7.3.38 Notice of Subpoenas.

If Approved Applicant is presented with a request for documents by any Agency or with a *subpoena duces tecum* regarding any records, data or documents which may be in Approved

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Applicant's possession by reason of these Rules, Approved Applicant must immediately give notice to the CDOT Commissioner and the Corporation Counsel for the City with the understanding that the City will have the opportunity to contest such process by any means available to it before the records, data or documents are submitted to a court or other third-party. Approved Applicant, however, is not obligated to withhold the delivery beyond the time ordered by the court or Agency, unless the subpoena or request is quashed or the time to produce is otherwise extended.

7.3.39 Unauthorized Access.

Approved Applicant must: (a) notify the City promptly of any unauthorized possession, use, or knowledge of any City Information by any person which may become known to it, any attempt by any person to gain possession of City Information without authorization or any attempt to use or acquire knowledge of any City Information without authorization (collectively, "**Unauthorized Access**"); (b) promptly furnish to City full details of the Unauthorized Access and use reasonable efforts to assist the City in investigating or preventing the reoccurrence of any Unauthorized Access; (c) cooperate with City in any litigation and investigation against third parties deemed necessary by the City to protect its proprietary rights, and (d) promptly prevent a reoccurrence of any such Unauthorized Access.

7.3.40 Resource; Personal Liability.

Except as expressly provided in these Rules or by Applicable Law, no Approved Applicant shall have recourse against the City for any loss, expense, or damage resulting from the terms and conditions of these Rules or approvals under these Rules or because of the City's enforcement thereof nor for the City's failure to have authority to grant the rights conveyed in these Rules. Each Approved Applicant has relied on its own investigation and understanding of the power and authority of the City to grant the Approved Applicant the rights and privileges granted under these Rules and any approvals under these Rules. Neither an Approved Applicant nor any transferee nor any Contractor of Approved Applicant may charge any official, employee or agent of the City personally with any liability or expenses of defense or hold any official, employee or agent of the City personally liable to them under any term or provision of these Rules or any approvals under these Rules or because of the City's execution, attempted execution or any breach of these Rules or any approvals under these Rules. No member, individually or collectively, of the City Council of the City, or agent or employees of the City, incurs or assumes any individual or personal liability by virtue of these Rules or any approvals under these Rules for failure to perform any of the terms hereof or thereof. All such liability of such officials, agents and employees of the City unless otherwise required by law, is hereby released as a condition of and in consideration for the issuance of any approvals under these Rules.

7.3.41 Advertising, Signs, or Extraneous Markings.

Unless required by the City under these Rules, no Approved Applicant shall place or cause to be placed any sort of signs, advertisements, or other extraneous markings, whether relating to Approved Applicant or any other person or entity, on any Approved Equipment located on City

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Light Poles, City Conduit or in the Public Way, excepting such labels, numbers, or other marks on the Approved Equipment as are reasonably necessary to identify the Approved Equipment or Approved Applicant for service, repair, maintenance, or emergency purposes, or as may be otherwise required to be affixed by applicable laws or regulations. All such markings shall be approved in advance as to form and size by the City.

7.3.42 Contacting Approved Applicant.

Each Approved Applicant shall be available to and shall provide appropriate telephone numbers and emails with its Application for the staff employees of any City department having jurisdiction over such Approved Applicant's activities twenty- four (24) hours a day, seven (7) days a week, every day of the year without exception, regarding problems or complaints resulting from the attachment, installation, operation, maintenance, or removal of Equipment.

7.3.43 Descriptive Headings.

Section headings are descriptive and used merely for the purpose of organization and, where inconsistent with the text, are to be disregarded.

7.3.44 City Remedies Not Exclusive.

The City's remedies under these Rules are not intended to be exclusive of any other remedies provided or available, but each and every such remedy shall be cumulative and in addition to any other remedies, existing now or hereafter, at law, in equity or by statute. No delay or omission to exercise any right or power accruing upon any event of default shall impair any such right or power, nor shall it be construed as a waiver of any event of default or acceptance therein, and every such right and power may be exercised from time-to-time and as often as may deemed expedient.

8 EXHIBITS

- Exhibit A Small Wireless Facility Design Submittal Checklist
- Exhibit B Form of Letter of Credit
- Exhibit C Design Guidelines
- Exhibit C-1 Visual Illustrations
- Exhibit D Pre-Approved Replacement Pole Designs

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EXHIBIT A- SMALL WIRELESS FACILITY APPLICATION SUBMITTAL CHECKLIST

This Small Wireless Facility Application Submittal Checklist outlines the necessary information for the CDOT online Small Cell Application process. Applicants are responsible for ensuring all of the following particulars are included in their submissions. In addition to the following checklist, details on the submission process can be found on CDOT's electronic portal.

Applicant Information

Company Name:

Main Headquarters Address: *City, State, Zip, Etc.*

Primary Point of Contact: *Name, Title, Division:*

Phone Number:

Email:

Regional Headquarters Address: *City, State, Zip, Etc.*

Primary Point of Contact: *Name, Title, Division:*

Phone Number:

Email:

Small Cell Design/Installation Submittal Package Checklist

Please ensure that the following information is included in your Application submission:

Note: Details pertaining to checklist items can be found in [Exhibit C - Design Guidelines - Application Submittal Required Information](#).

- Pole Location Pre-Approval
- Replacement Pole Product Specification Sheet(s)
- Equipment Diagram
- Installation Unit and Mounting Diagram
- Description of Services
- Statement of Need
- Detailed Engineering Drawings
- Detailed Structural Analysis
- Request for Use of City Conduit (where applicable)
- Safety Certifications / FCC Compliance
- Request for Special Approvals (where applicable)

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EXHIBIT B - Form of Letter of Credit

Required Form of Letter of Credit for Chapter 10-29 Approved Applicant Using City Light Poles

Irrevocable Letter of Credit

Date:

[Name of Approved Applicant as L/C Approved Applicant]
Applicant

Beneficiary
City of Chicago
Department of Transportation
30 North LaSalle Street
Suite 300
Chicago, IL 60602

Ladies and Gentlemen:

We hereby issue Irrevocable Standby Letter of Credit No. _____ (“**Credit**”) in favor of the City of Chicago for the amount of _____ [name of Approved Applicant] up to the aggregated amount of _____ Dollars (\$_____), effective immediately. This Credit is issued, presentable and payable at our offices at _____, Attention: _____, and expires at _____ Chicago time on [date, at least three (3) years from December 31st of current year].

Funds under this Credit are available to you against your notarized sight drafts for any sum or sums not exceeding a total of _____ Dollars (\$_____) drawn on us mentioning the Credit by number and signed by the Commissioner of Transportation of the City of Chicago or the City Comptroller of the City of Chicago (whether acting or actual). Funds drawn under this Credit shall be paid, at the option of the City of Chicago, either by: (i) check made payable to “**City of Chicago**” and sent by overnight delivery to the City of Chicago at the address listed above, or (ii) by wire transfer to _____.

Partial and multiple drawings are permitted. This is a “**clean**” Letter of Credit and no additional documentation is required other than notarized sight drafts.

This Credit sets forth in full the terms of our undertaking, and may be amended only by a written amendment signed by us and by the beneficiary.

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Our obligations hereunder are primary obligations to the City of Chicago. We hereby engage with you we will honor drafts drawn and presented under and in compliance with the terms of this Credit.

The expiry of this Credit will be deemed to be automatically extended without amendment for one (1) year from the expiry date hereof, or any future expiration date, unless at least thirty (30) days before the most imminent anniversary of the date of issuance of this Credit, we notify the Commissioner of Transportation of the City of Chicago, at the address listed above, by overnight delivery service or courier that we will not extend the expiry of this Credit for any such additional period.

This Credit is subject to the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500, 1993 revision (“UCP”) and to the Uniform Commercial Code – Letter of Credit, 710 ILCS 5/5-101 et seq., as amended, as in effect in the State of Illinois (“UCC”). To the extent the provision of the UCP and the UCC conflict, the provisions of the UCC shall control.

Name of Issuing Institution

By: _____
Signature

Name: _____

Title: _____

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EXHIBIT C — DESIGN GUIDELINES

CITY OF CHICAGO DESIGN GUIDELINES FOR SMALL WIRELESS FACILITIES IN THE PUBLIC WAY AND ON CITY INFRASTRUCTURE

- These Guidelines are adopted and maintained by CDOT.
- Terms and phrases used in these Guidelines shall the meaning ascribed to them in the Rules.
- These Guidelines are in addition to the requirements set forth in the Code and Rules and to the extent of any conflict, the more stringent requirement shall control.
- The Equipment standards, requirements, and aesthetic guidelines stated below apply to Small Cell Installation Units.
- For information on general criteria for Small Wireless Facility installations, please refer to Rules *Section 2 General Requirements*.
- Small Wireless Facilities installations are restricted in certain areas within Chicago's Public Way. For a comprehensive list of prohibited locations, refer to Rules *Section 2.3 Restrictions on Locations for Small Wireless Facilities Installations*.

Purpose of Design Guidelines

The purpose of these Guidelines is to establish nondiscriminatory aesthetic guidelines for Wireless Infrastructure Providers or Wireless Service Providers to deploy and maintain Small Wireless Facilities located within the City's Public Way and on City Infrastructure. In addition to the standards set forth in these Guidelines, Applicants must follow all Applicable Codes, and comply with all applicable state, federal and local laws, Rules. The Guidelines may be modified from time to time, in light of changes in technology or to reflect the changes required to reasonably accommodate wireless deployment in a manner consistent with federal, state and local law. Finally, these Guidelines do not control consideration of Eligible Facilities Requests as defined in 47 U.S.C. § 1455(a), and they do not control consideration of applications for placement of temporary wireless facilities, or other wireless communications facilities exempted from permitting by the City.

Design Guidelines Goals

- Preserve the unique character and aesthetic appeal of Chicago's neighborhoods, corridors, and districts within the Public Way by: (1) reducing the visual impact and physical bulk of Wireless Communications Facilities mounted on Poles and Towers or on City Infrastructure, by utilizing Concealment Elements and incorporating architectural harmony with the surroundings; (2) where feasible limiting the number of locations with new Equipment; (3) ensuring that, although some Small Cell Equipment needs to be visible and located above ground, all associated wiring and cabling should be fitted underground or inside Poles, with the only exception being aerial wiring on utility poles in alleys;
- Maintain Accessibility of the Public Way and City Infrastructure: Ensure Public Way and City Infrastructure are free of obstructions and compliant with the Americans with

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Disabilities Act (ADA). This includes walkways, roadways, and other travel paths that need to coexist with public utilities and communication services;

- Uphold Public Health and Safety: The Guidelines are designed to confirm that all Wireless Communication Facilities strictly adhere to the relevant health and safety regulations, in order to safeguard the wellbeing of the public;
- Enhance Deployment of Technology: enhance efficient and effective City-wide deployment of wireless infrastructure so that all residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability;
- Establish Consistent Standards: Develop uniform design standards for Wireless Communication Facilities that foster a harmonized aesthetic while guaranteeing that all Applicants are handled without bias and in accordance with the law; and
- Establish Clear Application Requirements: Create Rules and Guidelines that offer straightforward directions to Applicants preparing their submissions, and ensure that City reviewers receive adequate, comprehensible information, thereby facilitating informed and expedient decision-making.

Equipment Standards and Requirements

To validate Small Cell designs and comply with the height and volume standards, utilize the following measurement method: unless stated otherwise by federal law, draw an imaginary rectangle or cylinder surrounding the object, which covers all portions of the object, including the mounting hardware. This does not apply to antennas located on the pole top or in the communications space.

1. Above Ground Height — No portion of any Equipment that is mounted on the exterior of a City Light Pole shall be mounted less than ten (10) feet above the top of grade adjacent to the City Light Pole.
2. Width — Absent specific approval, no Small Wireless Facility shall extend beyond two feet beyond the center line of the pole. Except as required to avoid effective prohibition, no portion of any Small Wireless Facility shall extend outside of the Public Way. Installation of Equipment on the mast arms of City Light Pole is strictly prohibited.
3. Volume — The total aggregate volume of each Installation Unit located on a City Light Pole, excluding the antennas and wires inside a City Light Pole, shall not exceed nine (9) cubic feet, without special approval.
4. Weight — Maximum total weight of all Equipment on a single Pole shall not exceed 500 pounds. The weight of any Installation Unit may not generate stresses exceeding sixty-seven percent (67% or 2/3) of the allowable stresses as set forth by the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 6th Edition (2013) with 2015, 2019, 2020, and 2022 Interim Revisions (all as maybe updated or modified or revised from time-to-time while the Rules are in effect).

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Replacement Pole Requirements

All Replacement Poles shall:

1. Be approved by CDOT. Prior to installation, the Applicant shall submit a material catalog sheet of the proposed Pole for the CDOT Commissioner's or designee's approval;
2. Strictly adhere to CDOT Electrical Specification 1447, Section 4, (a), (b), and (c) to ensure safety, structural integrity, and electrical standard compliance;
3. Align with the height of surrounding existing Poles. The height of the proposed Replacement Pole must be reasonably close to the average height of existing Poles within a 500-foot radius of the pre-approved location;
4. Be designed to fulfill all the uses that existed on the original Pole prior to its replacement;
5. Replace existing City equipment including but not limited to: Smart Lighting equipment (LED luminaires (street and piggy-back) and wireless control nodes), speed feedback signs, and all public safety equipment;
6. Be located within ten (10) feet of the existing Pole being replaced unless a greater distance is approved by the CDOT Commissioner to avoid discrimination or an effective prohibition;
7. Replacement Poles shall not be placed in front of storefront windows, primary windows, balconies, or primary egress points to buildings;
8. Be located at least five feet (5') away from any driveway flare;
9. Include Foundations—typically, the installation of Replacement Poles will require new foundations to withstand the stress from the additional Installation Unit. However, exceptions may apply for recent Poles with modern concrete foundations. The Pole and the foundation of each City Light Pole for Approved Equipment must be in satisfactory condition to sustain the allowable stresses generated by the additional Installation Unit. Typical concrete foundations for 35 Ft. steel City Light Poles require concrete foundations measuring 24-inches in diameter and nine (9) feet in depth. 30-inch diameter by seven (7) foot long foundations will require a City approval.

Structural Engineering—An Applicant shall provide a structural analysis prepared by an Illinois licensed structural engineer showing the Replacement Pole and foundation are sufficient to support the proposed weight and volume of the Approved Applicant's Installation Unit.

Electrical Requirements

1. All proposed Equipment shall meet applicable electrical requirements set forth in the Code.
2. Transmission, fiber, power cables and any other wiring shall be substantially contained within the Pole, or within conduit or U-guard on wood poles.
3. All wiring shall be installed without excessive slack or extra cable storage on the Pole. Loops of extra wire shall not be lashed to the pole, to wires supported by the Pole, or to any Pole-Mounted Antenna equipment.
4. All Equipment wiring inside the Pole shall be separately bundled and not intermingled with City wires and cables.

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5. All Equipment wiring shall be labeled to identify the Wireless Services Provider and the wire or cable type.

Pole-Mounted Antenna Requirements

Each Pole-mounted antenna shall be:

1. No larger than three (3) cubic feet in volume;
2. Flush mounted or mounted as close to the pole as technically feasible in accordance with applicable standards; and
3. Located at the top of the Pole in an enclosure no taller than necessary for separation from other attachments mounted on a lateral standoff bracket that protrudes no more than necessary to meet clearances and as feasible, or mounted within a Replacement Pole.

Equipment Identification Requirements

Each Small Wireless Facility must have a visible sticker positioned 8-10 feet from the ground and color-coded by Wireless Service Provider. This sticker should display the owner's name, facility identifier, emergency contact, and any additional information required by law.

Aesthetic Guidelines

1. Equipment Concealment — All Small Wireless Facilities must be designed as Stealth Facilities. Specifically, all non-antenna, Pole-mounted equipment should, to the extent technically feasible, incorporate Concealment Elements and be a color which reasonably matches the Pole.
2. Underground Wiring & Cabling — recognizing some Small Cell Equipment needs to be visible and located above ground, all associated wiring and cabling should be fitted underground or inside Poles, with the only exception being aerial wiring on utility poles in alleys.
3. Residential Streets— For the preferred location for the Deployment of Small Wireless see Rules ***Section 2.3.5 Residential Street Locations***
4. Decorative Streetlight Poles.
Small Wireless Facilities shall not be located Decorative Streetlight Poles. Exceptions to this restriction can be found in Rules ***Exhibit C-1- Existing City Light Pole Types — Eligible for Replacement***. Waivers will be considered on special cases when other facilities are not available and require the CDOT Commissioner's approval.
For applications proposing replacement of an eligible Decorative Streetlight Pole, the new Pole shall match the existing Decorative Streetlight Pole in size, shape and finish to the extent technically feasible as reflected in Exhibit C-1.
5. Replacement Poles – design must emulate the existing Pole in terms of size, shape, and finish, to the extent technically feasible unless stated otherwise in Rules Exhibit C-1.
6. Equipment Concealment Boxes / Shrouds - Equipment boxes may be constructed only from stainless steel or aluminum except through special approval granted by the CDOT Commissioner. Aluminum Equipment boxes must be painted to match the color of the City

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Light Pole.

7. Antenna Enclosures - to the extent feasible, antenna enclosures shall be of a color which reasonably matches the Pole.
8. Lighting — Small Wireless Facilities are not allowed to have lighting except for small indicator lights. This restriction does not include City street lighting luminaires.

Variations and Non-Standard Designs

A provider who has a design that it believes is suitable for a particular neighborhood, or type of deployment may obtain pre-approval of that design as, even if the design does not strictly comply with the requirements of these Guidelines, where the design otherwise serves the goals of the Code and the Rules. Likewise, if a provider cannot meet the design guidelines, but can demonstrate the City must approve installation of a Small Wireless Facility by virtue of federal law, the provider can obtain approval upon an appropriate submittal to the City so long as the provider complies with these Guidelines to the greatest extent possible.

The CDOT Commissioner may also approve any Application that does not strictly comply with these Guidelines: (i) to prevent an effective prohibition or material inhibition of service under federal law; or (ii) because strict compliance with the Guidelines is not technically feasible.

Application Submittal — Required Information

The items listed below provide descriptions of the specific information required when submitting an Application for Small Cell Equipment on City Poles. These items correspond with the *Exhibit A- Small Wireless Facility Application Submittal Checklist*.

All Application submittal documents must provide specifications, standards, and procedures that adhere to industry norms for similar installations, including guidelines for ensuring the quality of work, and the safety and protection of individuals and property.

1. Pole Location Pre-Approval
Written documentation that the proposed Replacement Pole location (address and GPS coordinates) has been approved by CDOT in accordance with the process described in Rules *Section 3.2— Pole Location Pre-Approval*
2. Replacement Pole Product Specification Sheet(s).
Applicant shall submit a manufacturers material catalog sheet of the proposed Replacement Pole for the CDOT Commissioner's or designee's approval.
3. Equipment Diagram
The Equipment diagram must include:
 - a. The dimensions of each Equipment component, including each type and number of antennas, and each Equipment box and its area of displacement (displacement equals 0.2 X pole circumference X the attached Equipment height, with pole circumference

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- calculated at the center of the attached Equipment mounting height) where it attaches to each type of City Light Pole and prevents other uses.
- b. The volume of each Equipment box and the total volume for the Installation Unit
 - c. The weight of each Equipment box and the total weight of the Installation Unit.
 - d. The type and size of the antennas and antenna panels.
 - e. The type, size, and quantity of the cable.
 - f. Specify the type and color of the concealment material and paint.
 - g. Clearly specify the name of the Wireless Services Provider being served by the Equipment.
 - h. The name of each piece of equipment shall be clearly marked in the diagram.
4. Installation Unit and Mounting Diagram
Diagram showing the Installation Unit mounted on the Replacement Pole including:
- a. The mounting method.
 - b. The type of mounting equipment and/or banding.
 - c. The surface area and interior volume of each type of City Light Pole being covered and displaced by Equipment.
5. Description of Services.
Applicants are required to provide a written description detailing the services that will be delivered through the installation of the Small Cell Facility for which they are seeking approval. Include description of the design capacity of the Equipment and the services to be provided through the Equipment, including information concerning the wavelengths being covered, the number of carriers the Equipment can support, the technology being used and a diagram showing the anticipated coverage from each antenna Installation Unit.
6. Statement of Need.
A certification by an authorized officer or a certified engineer of Applicant stating that the Applicant has attempted in good faith to design or install its Network using Third-Party Property or poles located in alleys in the City and the reasons why such design is impractical, inadequate, or infeasible for commercial or technical reasons, or that necessary consent from the owners of such property or poles could not be obtained. To the extent possible, Applicant should include supporting material for this statement such as correspondence relating to the rejection of essential site locations from third-party owners.
7. Detailed Engineering Drawings.
Detailed engineering drawings for each proposed site which depicts:
- a. The height of the Equipment on the City Light Pole once its mounted.
 - b. The exact proposed mounting location on each City Light Pole.
 - c. The proposed configurations of such Equipment on each City Light Pole as mounted.
8. Detailed Structural Analysis; Engineer's Certification.
A Detailed Structural Analysis performed and stamped by an Illinois licensed structural engineer must be submitted for each proposed Installation Unit (unless waived by special

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approval because the nature of the Equipment makes such a study unnecessary for public safety or the soundness of the City Light Poles) for which an approval to install a Small Wireless Facility is being sought.

Additionally, a certification by an Illinois licensed structural engineer certifying that, unless special approval is being sought in accordance with these Rules, the following restrictions have been met:

- a. No portion of any Installation Unit will be mounted less than ten (10) feet above the top of grade adjacent to the City Light Pole.
- b. The stresses generated by the additional Installation Unit do not exceed sixty-seven percent (67% or $2/3$) of the maximum allowable stresses as set forth by the AASHTO Standard Specification for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 6th Edition (2013) with 2015, 2019, 2020, and 2022 Interim Revisions (all as may be updated or modified or revised from time-to-time while these Rules are in effect).
- c. The weight of any installation unit of combination thereof may in no event exceed five hundred (500) pounds. No Equipment box may exceed two hundred fifty (250) pounds.
- d. The pole and the foundation of each City Light Pole for which an approval is being sought are in satisfactory condition to sustain the allowable stresses generated by the additional Installation Unit.

9. Request for Use of City Conduit (where applicable).

Applicants are required to submit a written request if Applicant anticipates seeking to interconnect its Equipment to electric power and telecommunications systems using City Conduits in relation to the Small Cell Facility for which they are seeking approval. To the extent that City Conduits are not being requested for use, the applicant should include a statement as to how the Equipment would be provided with power and telecommunications equipment (e.g. use of third-party conduit) and how much street construction is expected to be necessary, if any.

10. Safety Certifications.

A certification by a qualified officer or engineer of the Applicant that all Installation Units, when installed on City Light Poles, comply and shall continue to comply (or shall be modified to comply) with all applicable safety standards of the FCC regarding permissible levels of radio frequency exposure and radiation as regards the public and all applicable rules and regulations for environmental protection; and a certification by a qualified and licensed safety expert that the proposed Installation Units, including, but not limited to, the type and strength of materials used for mounting and banding is and will be safe for installation on a City Light Pole and will not constitute a hazard to the public.

11. Request for Special Approvals.

To the extent Applicant is seeking a variation from the Design Guidelines or these Rules, an Applicant should provide a statement of special need as to why such variation is necessary, together with a Detailed Structural Analysis and other supporting

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documentation showing that such variation would be safe and would meet all other City requirements stated in these Rules.

Severability

The provisions of these Guidelines are severable. If any provision or subsection, or the application of any provision or subsection to any person, entity or circumstance is held invalid, the remaining provisions, subsections and applications of such Guidelines to other persons, entities or circumstances shall be valid. It is the intent of this subsection that the remaining provisions would have been adopted had such invalid provisions not been included in these Guidelines when originally adopted.

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EXHIBIT C-1 — VISUAL ILLUSTRATIONS

Existing City Light Pole Types — Eligible for Replacement

The following is a comprehensive visual catalog of City-approved City Light Pole types that qualify for potential replacement in connection with Small Cell installation projects. Please note that the City reserves the right to modify, update, or make changes to the approved Pole types over time, in accordance with evolving regulations, standards, or requirements.

Arterial Streets – Davit Arm Street Light Poles



*35 Ft. Aluminum Davit
[CDOT Spec 971]*



*35 Ft. Anodized Davit
[CDOT Spec 971 Anodized]*

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Arterial Streets – Steel Street Light Poles-Attached Mast Arms



*35 Ft. Steel Pole – Anchor Bolt
Base
[CDOT Spec 808]*



*31' Ballast Housing Base Pole
[This type of steel pole is being
phased out, Replacement pole
CDOT Spec 808]*

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Arterial Streets – Legacy Embedded Steel Light Poles



*Legacy Streetcar System Span Pole
[This type of steel pole is being
phased out, Replacement pole:
CDOT Spec 808]*

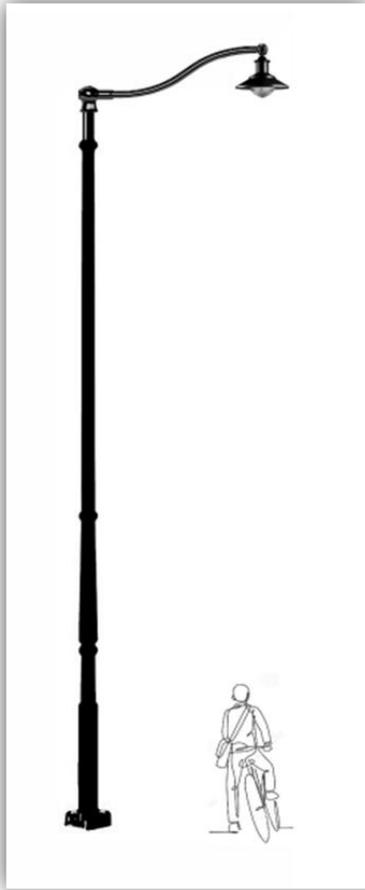


*Legacy Streetcar System Span Pole
[This type of steel pole is being
phased out, Replacement pole:
CDOT Spec 808]*

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Arterial Streets – Decorative “Historic” Light Poles



Boulevard Pole
[CDOT Spec 976]



32 Ft. Chicago Gateway 2000
[CDOT Spec 930]

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Residential Streets – Legacy and Modern Light Poles



*20 Ft. Steel Legacy Residential Light Pole
[This type of steel pole is being phased out,
Replacement pole: CDOT Spec 808]*



*20 Ft. Residential Aluminum Davit Pole
[CDOT Spec 940]*

NOTE: Not all residential Poles are eligible for replacement, see the Guidelines and Section 2.3.5 of the Rules for further guidance

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Examples of Acceptable Small Cell Installations



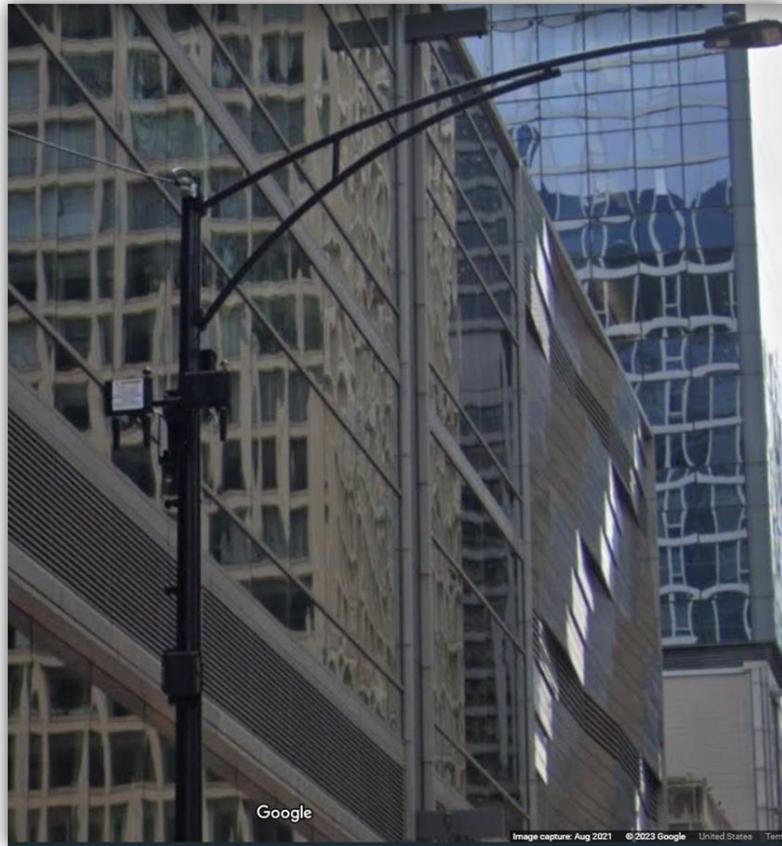
**Canister Antenna with Shrouded
Equipment Cabinet**

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Triangle Radios with Integrated Antennas



Double Radio with Integrated Antenna

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Examples of Unacceptable Small Cell Installations



Unshrouded non-concealed equipment, exceeding maximum volume and width, exposed wiring, and no consistent design uniformity

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EXHIBIT D — PRE-APPROVED REPLACEMENT POLE DESIGNS

[NOTE: Pre-Approved Small Cell Replacement Pole designs are still in development and will be published with the final Rules.]