



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2024-519                      **Name:**

**Type:** Resolution                      **Status:** Passed

**File created:** 5/24/2024                      **In control:** Metropolitan Council

**On agenda:** 6/4/2024                      **Final action:** 6/4/2024

**Title:** A resolution requesting the Nashville Department of Transportation and Multimodal Infrastructure to change minimum requirements for fiber and communications installations.

**Sponsors:** Brandon Taylor, Delishia Porterfield, Jennifer Gamble, Jeff Preptit, Sean Parker, Jennifer Webb, Clay Capp, Burkley Allen, Brenda Gadd, Jacob Kupin, Kyonzte Toombs, Emily Benedict

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/7/2024	1	Mayor	approved	
6/4/2024	1	Metropolitan Council	adopted	
6/3/2024	1	Transportation and Infrastructure Committee	approved	
5/28/2024	1	Metropolitan Council	filed	

A resolution requesting the Nashville Department of Transportation and Multimodal Infrastructure to change minimum requirements for fiber and communications installations.

WHEREAS, alternative fiber installation method was approved in Nashville by Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) and began in 2019; and

WHEREAS, since then, fiber franchisees have been issued thousands of excavation permits to allow them to place fiber in the right-of-way throughout Nashville; and

WHEREAS, this work has resulted in large scale extended disruptions to vehicular and pedestrian access across Nashville during the installation, such as lengthy restorations and temporary repairs left for several months and undefined time lines for final repairs related to nanotrenching and microtrenching; and

WHEREAS, the placement of all new fiber is required to be coordinated with the NDOT Paving Program, to install new lines and relocate existing lines, prior to roads being resurfaced through the NDOT Paving Program. This requirement exists so as to not delay NDOT Paving Program schedules, and to avoid excavating newly paved roads paved for planned fiber deployment. Any excavations in newly paved roads within the last five years will trigger full restoration repairs in accordance with NDOT Instructional Bulletin No. 2022-01; and

WHEREAS, if the requesting franchise has existing aerial infrastructure, microtrenching may be limited or denied; and

WHEREAS, in addition, there must be adequate notification as required Section 13.20.020 of the Metropolitan Code (BL2000-443) by the fiber installer. Additionally, advance approved plans are required to be distributed by the permit requestor to the respective district council representatives; and

WHEREAS, when service disruptions have occurred, a temporary repair may be made with a permit request and final repairs must be made in accordance with the related permit times and restrictions; and

WHEREAS, it is necessary for the Nashville Department of Transportation and Multimodal Infrastructure to investigate enforcement actions to address these concerns related to microtrenching and communication policy.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Council goes on record as requesting the Nashville Department of Transportation and Multimodal Infrastructure to take the appropriate enforcement actions against fiber franchisees as may be necessary in order to address the issues outlined in this resolution.

Section 2. The Metropolitan Council further requests that, in the event of a service wire being temporarily fastened to the road surface or sidewalk, a permanent subsurface installation must be completed within the terms of the permit. The Council further requests that a failure to comply with the permit timeframe would result in a citation for non-compliance issued.

Section 3. That the Metropolitan Council goes on record as requesting the Nashville Department of Transportation and Multimodal Infrastructure to re-evaluate the Department's existing standard details and specifications and make any and all necessary changes to ensure greater compliance and conformance with local and national standards.

Section 4. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.