

City of Hilliard
Small Cell Facilities & Wireless Support Structures
Design Guidelines

I. Purpose

1.1 Purpose

- A. The City of Hilliard (the "City") encourages the deployment of state-of-the-art small cell wireless technology within the City for the many benefits it promises the citizens of Hilliard including increased connectivity and reliable networks and services.
- B. The standards and procedures provided in this *Small Cell Facilities & Wireless Support Structures Design Guidelines* (the "*Design Guidelines*") are adopted pursuant to Resolution No. 18-R-__ and as permitted by Ohio Revised Code Chapter 4939, *et seq.*
- C. The City has adopted the *Design Guidelines* and Standard Drawings, attached hereto and incorporated herein, to provide technical criteria and details necessary for Operator(s) seeking to install and construct small cell facilities and wireless support structures in the City's Right-of-way.
- D. Operators shall adhere to the requirements found in Chapter 907 of the City's Codified Ordinances, *Design Guidelines*, and Standard Drawings for the placement of facilities within the City's Right-of-way.
- E. To the extent of any conflict with the Chapter 907 of the City's Codified Ordinances, the *Design Guidelines* shall control with regard to an Operator.

II. Definitions

Unless defined below, for purposes of these *Design Guidelines* the terms contained herein shall have the same meanings as the terms defined in Ohio Revised Code ("O.R.C.") Section 4939.01. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural. The word "shall" is always mandatory and not merely permissive.

- A. "Abandon" and its derivatives means any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the Operator otherwise notifying the City and receiving the City's approval.
- B. "City" means the City of Hilliard, Ohio and its elected officials, officers, employees, agents, and volunteers.
- C. "Operator" means a wireless service provider, or cable operator, or a video service provider, that operates a small cell facility and provides wireless service, as defined in O.R.C. 4939.01(T)..
- D. "Park" means the various properties under the direction, control, and supervision of the City's Recreation and Parks Department.

- E. "Right(s) of way" means the surface and space in, on, above, within, over, below, under or through any real property in which the City has an interest in Law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, conduit or any other place, area, or real property owned by or under the legal or equitable control of the City that, consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing a Small Cell Facility or Wireless Support Structure.
- F. "Small Cell Facility" means a wireless facility that meets both of the following requirements:
- 1) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.
 - 2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- G. "Traffic Signal" means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.
- H. "Utility Facility" means all lines, poles, conduits, pipes, posts, tanks, vaults, wires, equipment and appurtenances above or below ground used or useful in supplying electric, communication, television signal services, gas, sanitary, storm or any other public or private utility.
- I. "Wireless support structure" means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen (15) foot or taller sign pole, or utility pole capable of supporting small cell facilities. Wireless Support Structure excludes a utility pole or other facility owned or operated by a municipal electric utility; and a utility pole or other facility used to supply traction power to public transit system, including railways, trams, streetcars, and trolleybuses.
- J. "Work Permit" means a permit issued by the City that must be obtained in order to perform any work in, on, above, within, over, below, under or through any part of the City's Right of Way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing. As well as the act of opening and cutting into the surface of any paved or improved surface that is part of the City's Right of Way.

III. Permitting

3.1 Attachment to Existing Poles (“Collocation”).

Prior to the attachment of a small cell facility to a wireless support structure, an Operator shall complete and submit to the City a Request for Consent Application and a Right of way Work Permit application, along with the following items:

- A. Request for Consent Application Fee.
- B. Right of way Work Permit Fee.
- C. Aerial Map showing the location of the existing pole to which the small cell facility is proposed to be attached, and a street view image.
- D. Plans and drawings prepared by a professional engineer licensed in the State of Ohio which show that, if the antenna and any associated shroud or concealment material are collocated at the top of the existing pole, the height of the pole does not increase the by more than five (5) feet.
- E. Plans and drawings prepared by a professional engineer licensed in the State of Ohio that has evaluated the existing pole or infrastructure for structural stability to carry proposed small cell facilities and can bear the wind load without pole modification or whether the installation will require pole reinforcement. If pole reinforcement is necessary, Operator shall provide engineering design and specification drawings for the proposed alteration to the existing pole. Any pole reinforcement or replacement shall be at Operator’s sole cost. All reinforcement or replacement poles shall match the character of the pre-existing pole to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.
- F. Scaled dimensional drawings or pictures of the proposed attachments of the small cell facility to the existing poles or structures as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk or path, and other existing light poles and any other poles or appurtenances. This shall include a before-and-after image of the pole and all proposed attachments and associated stand-alone equipment.
- G. Scaled dimensional construction plans indicating the current Right of way line and showing the proposed underground conduit and equipment, and its spacing from existing utilities. The drawings shall also show a sectional profile of the Right of way and identify all existing utilities and existing utility conflicts.
- H. If a City pole is proposed, the City pole location shall be specified.

The applicant needs to provide analysis that the proposed small cell facility shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components. It shall be the responsibility of the Operator to evaluate, prior to submitting the Request for Consent Application and Work Permit, the compatibility between the existing City infrastructure and the Small Cell Facility Operator’s proposed

infrastructure. Small cell facilities shall not be allowed on City's public safety radio infrastructure.

- I. A traffic control plan, storm water pollution prevention plan (SWPPP), and trench safety plan may also be required based on the proposed scope of work.
- J. The City issued Right of way Work Permit authorizes use of its Right of way. Operators are responsible for obtaining permission on non-City-owned infrastructure. If the project lies within the State Right of way, the Operator must provide evidence of a permit from the State.

The proposal shall comply with the following standards:

- K. Any facilities located off of a wireless support structure must remain in cabinetry or enclosed structure underground, except for the electric meter pedestal. Facilities on a wireless support structure shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the wireless support structure or associated facilities, equipment, or structures.
- L. The electrical meter shall not be mounted on a City's pole. The Operator shall use a voltage that is appropriate for the proposed equipment.
- M. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with the Americans with Disabilities Act (ADA), and shall not obstruct an existing or planned sidewalk or walkway nor obstruct the view of vehicles or pedestrians.
- N. All proposed projecting attachments to the pole shall provide a minimum vertical clearance of 16 feet.
- O. The color of the small cell facility shall match the color of the existing wireless support structure such that the small cell facility blends with the color of the wireless support structure to the extent possible. City reserves the right to deny a certain style of small cell facility due to its difference in color to the wireless support structure.
- P. There shall be not another pole, with small cell facility attachments permitted/under application review, within three hundred (300) feet of the subject wireless support structure.
- Q. If multiple requests are received by the City to collocate two or more small cell facilities on the same wireless support structure, the City can resolve conflicting requests through whatever reasonable and nondiscriminatory manner it deems appropriate.

3.2 Installation of New Wireless Support Structures.

Prior to installation or modification of a wireless support structure, an Operator shall complete and submit to the City a Request for Consent Application and a Right of way Work Permit application, along with standard required documents and the following items:

- A. Request for Consent Application Fee.

- B. Right of way Work Permit fee.
- C. Map showing intended location of the wireless support structure. Aerial Map showing the location of the proposed new wireless support structure, and a street view image.
- D. Plans and drawings prepared by a professional engineer licensed in the State of Ohio showing that the overall height of the wireless support structure and any collocated antennas is not more than forty (40) feet above ground level, provided that if the maximum allowable height for building construction in the underlying zoning district is thirty-five (35) feet in height and within three hundred (300) feet of the proposed location there are no wireless support structures or utility poles taller than thirty (30) feet, the overall height of the wireless support structure and any collocated antennas shall not be more than thirty-five (35) feet.
- E. The applicant will need to provide analysis showing that the proposed new wireless support structure is spaced not less than three hundred (300) linear feet from another existing wireless support structure that is capable of supporting small cell facilities along the proposed location, unless otherwise approved by the City in writing.
- F. Scaled dimensioned drawings or pictures of the proposed wireless support structure as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk or path, light poles, and any other poles or appurtenances. This shall include a before-and-after street view image. The after-image needs to include the proposed pole and all proposed attachments and associated stand-alone equipment.
- G. Scaled dimensioned construction plans indicating the current Right of way line and showing the proposed underground conduit and equipment, its spacing from existing lines. The drawings shall also show a sectional profile of the Right of way and identify all existing utilities and existing utility conflicts whether above-ground or underground.
- H. A traffic control plan, SWPPP, and trench safety plan may also be required based on the proposed scope of work.
- I. The applicant needs to provide analysis that the proposed wireless support structure and small cell facility shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components. It shall be the responsibility of the Operator to evaluate, prior to submitting the Request for Consent Application and Work Permit, the compatibility between the existing City infrastructure and the Operator's proposed infrastructure. A wireless support structure and small cell facility shall not be installed in a location that causes interference. Small cell facilities shall not be allowed on City's public safety radio infrastructure.
- J. If the project lies within the State Right of way, the applicant must provide evidence of a permit from the State.

The proposal shall comply with the following standards:

- K. Wireless support structure as well as any other proposed equipment associated with the proposal shall be not less than 3 feet horizontally from any existing or proposed water line,

sanitary sewer, or storm sewer. Electric wires/cables extending from the pole or structure shall be not less than 1.5 feet vertically from any existing or proposed water line, sanitary sewer, or storm sewer.

- L. Any facilities located off pole must remain in cabinetry or enclosed structure underground. Facilities on pole shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the pole or structure. Shroud poles, as shown in the examples provided, are required.
- M. The electrical meter shall not be mounted on City's wireless support structures or associated equipment. The Operator shall use a voltage that is appropriate for the proposed equipment.
- N. The wireless support structure and all attachments to the wireless support structure that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with the ADA, and shall not obstruct an existing or planned sidewalk or walkway nor obstruct the view of vehicles or pedestrians.
- O. All proposed projecting attachments to the pole shall provide a minimum vertical clearance of 16 feet.
- P. Wooden wireless support structures are prohibited. All new wireless support structures are required to be break-away type structures. All attachments for the small cell facilities shall also match the color of the wireless support structure. The color of all wireless support structures located within the Old Hilliard Zoning Districts shall be black powder coated, and the color of all wireless support structures located outside the Old Hilliard Zoning Districts shall be dark bronze powder coated. City reserves the right to deny a certain type of wireless support structure due to its differences.
- Q. Upon approval of the Work Permit, the Operator shall contact the Ohio Utility Protection Service (OUPS) for located of underground utilities at least three (3) working days prior to construction. For non-OUPS member, utilities must be contacted directly.
- R. In response to an application for a new wireless support structure, the City can propose an alternate location within 100 feet of the location requested by the applicant. The applicant must use the alternate location proposed by the City as long as the applicant has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.
- S. If multiple requests are received by the City to install two or more wireless support structures that would violate applicable spacing requirements, the City can resolve conflicting requests through whatever reasonable and nondiscriminatory manner it deems appropriate.

3.3 Electrical Service.

- A. The Operator shall be responsible for obtaining any required electrical power service to the small cell facilities and wireless support structures. The Operator's electrical supply shall be separately metered from the City and must match City infrastructure voltage.

- B. The Operator shall provide City with sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, etc.

IV. Small Cell Facility and Wireless Support Structure Requirements

4.1 Installation.

The Operator shall, at its own cost and expense, install the small cell facilities and wireless support structures in a good and workmanlike manner and in accordance with the requirements promulgated by the *Design Guidelines*, Chapter 907 of the City's Codified Ordinances, and all other applicable laws, ordinances, codes, rules, and regulations of the City, the State, and the United States ("Laws"), as such may be amended from time to time. The Operator's work shall be subject to the regulation, control, and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the small cell facilities and wireless support structures shall be in compliance with all applicable laws. Any request for consent to collocate or construct a new wireless support structure that is granted by the City must be completed within 180 days after issuance of the permit to the applicant.

4.2 Inspections.

The City may perform visual inspections of any small cell facilities and wireless support structures located in the Right of way as the City deems appropriate without notice. If the inspection requires physical contact with the small cell facilities or wireless support structures, the City shall provide written notice to the Operator within five business days of the planned inspection. The Operator may have a representative present during such inspection.

In the event of an emergency situation, the City may, but is not required to, notify the Operator of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify the Operator as soon as practically possible after remediation is complete.

4.3 Placement.

- A. Parks. Placement of small cell facilities and wireless support structures in any Parks, Park roads, sidewalk, or property is prohibited unless such falls within the definition of Right of way in these *Design Guidelines* and Chapter 907 of the City's Codified Ordinances and the placement complies with applicable laws, private deed restrictions, and other public or private restrictions on the use of the Park.
- B. City Infrastructure. The Operator shall neither allow nor install small cell facilities or wireless support structures on any City property that falls outside the definition of Right of way in these *Design Guidelines* and Chapter 907 of the City's Codified Ordinances.
- C. Decorative Poles. The Operator shall neither allow nor install small cell facilities on a Decorative Pole as defined by Ohio Revised Code Section 4939, unless approved by the City in writing. This standard shall be applicable to all decorative poles in the City, as well as any others constructed in the future.
- D. Poles. Wireless Facilities on a wireless support structure shall be installed to provide a minimum vertical clearance of least sixteen (16) feet above the ground.

- E. Wireless support structures and ground equipment or small cell facilities shall not impede pedestrian or vehicular traffic in the Right of way. If a wireless support structure and ground equipment or small cell facility is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or the visibility of pedestrian or vehicular traffic or does not comply or otherwise renders the Right of way non-compliant with applicable Laws, including the ADA, then the Operator shall remove the wireless support structure, ground equipment or small cell facility.

4.4 Fiber Connection.

The Operator shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its wireless support structures or small cell facilities.

4.5 Generators.

The Operator shall not allow or install generators or back-up generators in the Right of way.

4.6 Equipment Dimensions.

The Operator's wireless support structures and small cell facilities shall comply with the dimensions set forth in these *Design Guidelines*, Standard Drawings, and Ohio Revised Code Chapter 4939, as may be amended from time to time.

4.7 Tree Maintenance.

The Operator, its contractors, and agents shall obtain written permission from the City before trimming trees hanging over its wireless support structures and small cell facilities to prevent branches of such trees from contacting wireless support structures and small cell facilities. When directed by the City, the Operator shall trim under the supervision and direction of the Director of Public Service. The City shall not be liable for any damages, injuries, or claims arising from the Operator's actions under this section.

4.8 Signage.

- A. The Operator shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the wireless support structure and small cell facility that is visible to the public. Signage required under this section shall not exceed 4-inches-by-6-inches (4" x 6"), unless otherwise required by law (e.g. RF ground notification signs) or the City.
- B. Except as required by Laws or by the utility pole owner, the Operator shall not post any other signage or advertising on any wireless support structure, small cell facility, or utility pole.

4.9 Overhead Lines Prohibited.

In accordance with O.R.C. 4939.0314(G), the City requires an Operator to comply with Chapter 941 of its codified ordinances. Chapter 941 of the City's Codified Ordinances, effective November 23, 2006, requires all Utility Facilities to be located or relocated within the City to be placed

underground. Section 941.02 provides exceptions to this requirement and Section 941.03 provides a waiver process from this requirement, granted by Hilliard City Council.

4.10 Repair.

Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of the wireless support structures or small cell facilities, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the City to be damaged or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any Laws, the Operator, at its sole cost and expense, shall promptly repair and return such property to its original condition. If the Operator does not repair such property or perform such work as described in this paragraph, then the City shall have the option, upon fifteen (15) days' prior written notice to the Operator or immediately if there is an imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of the Operator and to charge the Operator for the reasonable and actual costs incurred by the City. the Operator shall reimburse the City for the costs.

4.11 Graffiti Abatement.

As soon as practical, but not later than fourteen (14) days from the date the Operator receives notice thereof, the Operator shall remove all graffiti on any of its wireless support structures and small cell facilities located in the Right of way.

4.12 Inventory.

The Operator shall maintain a list of its small cell facilities and wireless support structures and provide City an Inventory of locations within ten (10) days of installation. The Inventory of small cell facilities and wireless support structures shall include GIS coordinates, date of installation, City pole ID number (if applicable), type of pole used for installation, pole owner, and description/type of installation for each small cell facility and wireless support structure installation.

Upon City's written request, the Operator shall provide a cumulative Inventory within thirty (30) days of City's request. Concerning small cell facilities and wireless support structures that become inactive, the Inventory shall include the same information as active installations in addition to the date the small cell facility and/or wireless support structure was deactivated and the date the small cell facility and/or wireless support structure was removed from the Right of way. City may compare the Inventory to its records to identify any discrepancies.

4.13 Reservation of Rights.

- A. The City reserves the right to install, and permit others to install, utility facilities in the Right of way. In permitting such work to be done by others, the City shall not be liable to the Operator for any damage caused by those persons or entities.
- B. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic signal system and protect public safety.

- C. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the Right of way in the manner that best enables the City's operations.

4.14 Coordination of Traffic Signal Maintenance Activities and Emergency Response.

The Operator shall provide City a key to each meter box at the time of inspection and have the ability to temporarily cut-off electricity to its facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks, City will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect the Operator's small cell facilities, the Operator shall have the sole responsibility to repair or replace its small cell facilities and shall coordinate its own emergency efforts with the City.

V. Interference with Operations

5.1 No Liability.

- A. The City shall not be liable to the Operator for any damage caused by other Operators with Wireless Facilities sharing the same pole or for damage of the Operators' small cell facilities for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.
- B. The City shall not be liable to the Operator by reason of inconvenience, annoyance, or injury to the small cell facilities or wireless support structures or activities conducted by the Operator therefrom, arising from the necessity of repairing any portion of the Right of way, or from the making of any necessary alteration or improvements, in, or to, any portion of the Right of way, or in, or to, City's fixtures, appurtenances, or equipment. The City will use reasonable efforts not to cause material interference to the Operator's operation of its small cell facilities or wireless support structures.

5.2 Signal Interference with City's Communications Infrastructure Prohibited.

- A. No interference. In the event that the Operator's small cell facilities interfere with the City's traffic signal system, public safety radio system, or other City communications infrastructure operating on spectrum where the City is legally authorized to operate, the Operator shall promptly cease operation of the small cell facilities causing said interference upon receiving notice from the City and refrain from operating. The Operator shall respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.
- B. Protocol for Responding to Event of Interference. The protocol for responding to events of interference will require the Operator to provide the City an Interference Remediation Report that include the following items:
 - 1. Remediation Plan. Devise a remediation plan to stop the event of interference;
 - 2. Time Frame for Execution. Provide the expected time frame for execution of the remediation plan; and

3. Additional Information. Include any additional information relevant to the execution of the remediation plan.

In the event that interference with City facilities cannot be eliminated, the Operator shall shut down the small cell facilities and remove or relocate the small cell facility that is the source of the interference as soon as possible to a suitable alternative location made available by City.

- C. Following installation or modification of a small cell facility, the City may require the Operator to test the small cell facility's radio frequency and other functions to confirm it does not interfere with the City's Operations.

VI. Abandonment, Relocation, and Removal

6.1 Abandonment of Obsolete Small Cell Facilities and Wireless Support Structures.

In order to ensure the public health, safety, and welfare of the City, the Operator shall remove small cell facilities and wireless support structures when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of ninety (90) days of the small cell facilities and wireless support structures being abandoned or within ninety (90) days of receipt of written notice from the City. When the Operator removes or abandons permanent structures in the Right of way, the Operator shall notify the City in writing of such removal or abandonment and shall file with the City the location and description of each small cell facility or wireless support structure removed or abandoned. The City may require the Operator to complete additional remedial measures necessary for public safety and the integrity of the Right of way.

6.2 Relocation and Removal at Small Cell Facility Operator's Expense.

- A. The Operator shall remove and relocate its small cell facilities and wireless support structures at its own expense to an alternative location not later than one hundred twenty (120) days after receiving written notice that removal, relocation, and/or alteration of the small cell facilities and/or wireless support structures is necessary due to construction and maintenance activities directly related to improvements for the health, safety, and welfare of the City's residents and the general public.
- B. The Operator's duty to remove and relocate its small cell facilities and wireless support structures at its expense is not contingent on the availability of an alternative location acceptable for relocation. City will make reasonable efforts to provide an alternative location within the Right of way for relocation, but regardless of the availability of an alternative site acceptable to the Operator, the Operator shall comply with the notice to remove its small cell facilities and wireless support structures as instructed.
- C. The City may remove the small cell facility and/or wireless support structure if the Operator does not remove such within one hundred twenty (120) days. In such case, the Operator shall reimburse City for the City's actual cost of removal of its small cell facilities and wireless support structures within thirty (30) days of receiving the invoice from the City.

6.3 Removal or Relocation by Small Cell Facility Operator.

- A. If the Operator removes or relocates at its own discretion, it shall notify the City in writing not less than ten (10) business days prior to removal or relocation. The Operator shall obtain all Work Permits required for relocation or removal of its small cell facilities and wireless support structures prior to relocation or removal.
- B. The City shall not issue any refunds for any amounts paid by the Operator for small cell facilities and wireless support structures that have been removed.

6.4 Restoration.

The Operator shall repair any damage to the Right of way, and the property of any third party resulting from the Operator's removal or relocation activities (or any other of the Operator's activities hereunder) within ten (10) days following the date of such removal or relocation, at the Operator's sole cost and expense, including restoration of the Right of way and such property to substantially the same condition as it was immediately before the date the Operator was granted a Work Permit for the applicable location, including restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration, and replacement shall be subject to the sole, reasonable approval of the City.

6.5 Operator Responsible.

The Operator shall be responsible and liable for the acts and omissions of the Operator's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub lessees, and subcontractors in connection with the performance of activities within the City's Right of way, as if such acts or omissions were the Operator's acts or omissions.