

# Policy Briefing Summary

## City Council



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<b>Regarding:</b>	<b>Ordinance granting a Franchise Agreement to MCI Communication Services, LLC (1 of 2 readings)</b>
<b>Staff Contact(s):</b>	Brennen Duncan, City Engineer
<b>Presenter:</b>	<b>Brennen Duncan, City Engineer</b>
<b>Date of Proposed Action:</b>	December 1, 2025

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### Issue

MCI Communications Services, LLC, has requested approval of an ordinance granting a renewed franchise agreement with the City of Charlottesville. The company's prior agreement has expired, and renewal is required to maintain authorization for MCI's telecommunications facilities located within the City's Public Right-of-Way (PROW). This renewal also highlights ongoing challenges related to "double poles" and delayed transfer of telecommunication lines, which continue to affect ADA compliance and pedestrian safety throughout the City.

### Background / Rule

To protect the integrity and safety of its streets and public rights-of-way, the City establishes franchise agreements with telecommunication providers under Article VII §9 of the Virginia Constitution. These agreements grant limited rights to install and maintain facilities within the PROW while ensuring the City retains authority to regulate use of the public space.

Coordination among multiple utility providers—primarily Dominion Energy and various telecommunications companies—has created recurring operational challenges. When Dominion or Brightspeed replaces an aging pole, telecommunication providers must transfer their attachments to the new pole before the old one can be removed. Delays in this transfer process result in "double poles," which often obstruct sidewalks, restrict ADA-compliant clearances, and create safety concerns.

City staff, in coordination with Dominion and providers such as MCI Communications, continue to address these issues. While Dominion and Brightspeed have made progress removing obsolete poles, the majority of remaining obstructions are due to pending transfers by third-party telecommunications companies.

Councilors and community members continue to raise questions about the City's authority to require pole transfer work and ensure timely removals. In response, the City amended franchise agreement language to strengthen its enforcement authority under Section 206 ("Obstruction of the PROW"), establishing clear penalties and City removal authority when facilities obstruct the right-of-way or fail to comply with approved plans.

### Analysis

The renewed MCI Communications Franchise Agreement incorporates the amended Section 206 provisions, which improve the City's ability to manage and enforce compliance in the PROW. Specifically, the agreement:

1. Prohibits obstruction of the PROW unless explicitly authorized in an approved plan;
2. Requires removal of any obstruction within forty-five (45) days after City notification;

3. Establishes daily penalties (\$500/day) for failure to remove unauthorized facilities after the deadline; and
4. Authorizes the City to remove the obstruction and recover reasonable costs when the company fails to act.

These provisions directly support the City's ADA Transition Plan and reinforce its legal obligation to maintain accessible pedestrian routes. The strengthened language also provides a clear, enforceable framework to address delayed pole transfers and other obstructions in the right-of-way.

Standardizing these updated provisions across all franchise agreements ensures consistency and accountability among providers. This approach allows the City to better coordinate with Dominion and telecommunications partners to remove non-compliant infrastructure, uphold accessibility, and improve overall public safety.

This action aligns with the City Council's vision of Organizational Excellence by ensuring consistent, accountable management of the public right-of-way through updated franchise standards. The agreement strengthens coordination with utility providers, improves operational efficiency, and enhances the City's ability to maintain safe, accessible, and well-managed infrastructure for the community.

#### **Financial Impact**

There is no budgetary impact except for the prescribed measures granted by this agreement for the City to recover costs as appropriate for use of the Public-Rights-of-Way.

#### **Recommendation**

Staff recommends that City Council approve the attached ordinance granting a franchise agreement to MCI Communications, LLC, consistent with the City's updated franchise agreement framework.

Approval will:

- Maintain continuity of telecommunications services within the City;
- Ensure MCI complies with updated right-of-way management and enforcement standards; and
- Support the City's broader initiative to eliminate double poles, achieve ADA compliance, and preserve the integrity of public infrastructure.

#### **Recommended Motion (if Applicable)**

Move to approve the ordinance granting a franchise agreement to MCI Communications, LLC, and to waive the second reading of the ordinance, such that the ordinance would be effective immediately.

#### **Attachments**

1. MCI Franchise Ord. FINAL DRAFT 10-24-25