

Policy Briefing Summary

City Council



Regarding:	Ordinance Creating MCImetro Franchise Agreement
Staff Contact(s):	Brennen Duncan, City Engineer
Presenter:	Brennen Duncan, City Engineer
Date of Proposed Action:	September 8, 2026

Issue

MCImetro Access Transmission Services of Virginia, Inc. ("MCImetro"), has requested City Council adopt an Ordinance granting a Franchise Agreement ("FA") with the City of Charlottesville, Virginia ("City"). This is a new FA and is required for MCImetro to perform work on facilities located within the City's Public Right-of-Way ("PROW"). This FA contains the recently updated obstruction language that outlines a more robust enforcement mechanism in line with the Americans with Disabilities Act ("ADA") compliance and pedestrian safety throughout the City.

Background / Rule

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

MCImetro proposes to construct a fiber optic communications network within the City's PROW. MCImetro intends to offer one (1) or more of the following services to business and government customers: competitive local exchange voice and data communications services, internet access, private line service, cell site front-haul and back-haul capacity using fiber optic cables, and leasing of conduit and dark fiber to third-parties, as well as future services when they become available. Currently, MCImetro does not intend to offer services to residential customers. MCImetro will not offer residential cable television, video service, or personal wireless service.

Analysis

The MCImetro FA incorporates amended Section 206 provisions, which improve the City's ability to manage and enforce compliance within the City's PROW.

Specifically, the FA :

- Prohibits obstruction of the PROW, unless explicitly authorized in an approved plan;
- Requires removal of any obstruction within forty-five (45) days after City notification;
- Establishes daily penalties (\$500/day) for failure to remove unauthorized facilities after the deadline; and
- Authorizes 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 PROW.

This action aligns with the City Council's vision of Organizational Excellence by ensuring consistent, accountable management of the PROW through updated franchise standards. The FA 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

None. This FA does allow the City to recover costs as appropriate for use of the PROW.

Recommendation

City Staff recommends that City Council adopt the attached Ordinance granting a FA to MCImetro consistent with the City's updated FA framework. Ordinance adoption will:

- Maintain continuity of telecommunications services within the City;
- Ensure MCLmetro complies with updated PROW 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)

"I move to approve first reading of the attached Ordinance granting a FA to MCImetro, and to schedule the Ordinance for second reading and possible adoption at City Council's next regularly schedule Meeting."

Attachments

1. MCImetro Draft Franchise Ordinance - 7.23.2026
2. Image - Charlottesville_MCI_Metro_Proposed
3. Proposed work background