

THIS AMENDMENT FAILED ON A 4-5 VOTE.

For: Baca, Fiebelkorn, Rogers, Telles

Against: Bassan, Champine, Grout, Lewis, Peña

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

September 9, 2026

FLOOR AMENDMENT TO COUNCIL BILL NO.

O-26-47

☒ Blueline ☐ FS ☐ CS

PROPOSED AMENDMENT **B**

MOVED AMENDMENT NO. **1**

SPONSORED BY **Tammy Fiebelkorn**

1. Beginning on page 3, line 19, to page 4, line 3, replace subsection (D) with the following:

[(D) COORDINATION AND JOINT TRENCHING. This provision is intended to minimize the number of excavations in a City ROW for local residential streets. In the event a Licensee is placing fiber within City ROW in residential neighborhoods, a moratorium/cooling off period of six (6) months on further fiber construction within that ROW shall commence once construction has been completed, unless Licensees otherwise coordinate to share conduit or excavations. If Licensees have coordinated to share conduit or to have separate conduit installed in the same trenches to avoid additional excavating, then the moratorium/cooling off period shall not preclude the cooperating Licensees from running fiber drop lines to their respective customers. Licensees will advertise planned construction locations to other Licensees for the purpose of providing the opportunity of conduit sharing. At a minimum, such notification shall consist of:

(1) posting information on the City of Albuquerque's Planning Department website;

(2) proof that the notification was advertised for thirty (30) days prior to applying for the barricade and/or excavation permit; and
(3) evidence showing that other Licensees declined to participate for purposes of sharing conduit or installing extra conduit in the single excavation.]

EXPLANATION: This amendment adjusts coordination and joint trenching practices to impose a cooling off period of six months in residential neighborhoods unless Licensees coordinate to share conduits or excavations.

THIS AMENDMENT PASSED ON A 5-4 VOTE.

For: Baca, Fiebelkorn, Grout, Rogers, Telles

Against: Bassan, Champine, Lewis, Peña

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PROPOSED AMENDMENT

MOVED AMENDMENT NO.

SPONSORED BY Tammy Fiebelkorn

1. Beginning on page 5, line 7 to line 13, replace Section (E)(5) with the following:

[(E) Licensee will be responsible for the removal of all temporary utility markings (spray-paint, whiskers, etc.) from hard scape areas applied for the construction project within 30 days of completion of installation. Soft scape markings shall be removed upon request from the property owner.]

EXPLANATION: This amendment requires Licensees remove all temporary utility markings within 30 days of installation completion if the markings are on hard scape areas. Soft scape areas, which may be discolored or damaged from removal, would be removed upon a request from the property owner.

THIS AMENDMENT PASSED ON A 6-3 VOTE.
For: Bassan, Fiebelkorn, Grout, Peña, Rogers, Telles
Against: Baca, Champine, Lewis,

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PROPOSED AMENDMENT **A**

MOVED AMENDMENT NO. **3**

SPONSORED BY **Tammy Fiebelkorn**

1. Beginning on page 3, line 9-16, amend Section (C)(3) as follows:

(3) In the event a Licensee is placing fiber within City ROW, fiber micro trenching, boring, and excavating within residential neighborhoods and streets shall only be allowed Monday through Saturday between the hours of 7:00 A.M. and ~~6:00 P.M.~~ 5:00 P.M., ~~unless otherwise limited by permit-specific conditions for safety or traffic control. In no event shall a Licensee continue any construction or perform any duties at a specified site, including clean up, within the scope of their license past 8:00 PM. Nothing in this section shall be construed to permit unsafe or unduly disruptive work practices.]~~ [All other fiber network construction and installation shall only be allowed Monday through Saturday between 7:00 A.M. and 6:00 P.M. The city may revise these time restraints in its sole discretion upon written notice.]

EXPLANATION: This amendment changes the boring construction time by limiting construction time to 5:00 PM, removing language that allows clean-up to 8:00 PM, and adding language emphasizing that all other fiber network construction and installation may only occur between 7:00 AM and 6:00 PM.

THIS AMENDMENT FAILED ON A 3-6 VOTE.
For: Champine, Grout, Lewis
Against: Baca, Bassan, Fiebelkorn, Peña, Rogers, Telles

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PROPOSED AMENDMENT **D**

MOVED AMENDMENT NO. **4**

SPONSORED BY **Dan Champine**

1. Beginning on page 3, line 6, amend Section 1 as follows:

(3) In the event a Licensee is placing fiber within City ROW, fiber micro trenching, boring, and excavating within residential neighborhoods and streets shall only be allowed Monday through Saturday between the hours of 7:00 A.M. and ~~[6][5]:00 P.M. [, unless otherwise limited by permit-specific conditions for safety or traffic control. In no event shall a Licensee continue any construction or perform any duties at a specified site, including clean up, within the scope of their license past 8:00 PM. Nothing in this section shall be construed to permit unsafe or unduly disruptive work practices.]~~ [All other fiber network construction and installation shall only be allowed Monday through Saturday between 7:00 A.M. and [6][8]:00 P.M. The city may revise these time restraints in its sole discretion upon written notice.]

EXPLANATION: Utility provider feedback to the original version of this bill noted that longer Licensee working hours creates longer overtime working hours for utilities because, when Licensees damage utility lines, utilities must respond and take corrective actions immediately. Corrective actions can take a long time to remediate (often into the

evening and next morning if necessary) and incur significant operational costs (including overtime pay). This amendment will attempt to adjust the bell curve of corrective actions that require utility workers to work overtime and outside of normal working hours by adjusting working hours to place more corrective actions within standard working hours when they arise.

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PROPOSED AMENDMENT **E**

MOVED AMENDMENT NO. **5**

SPONSORED BY **Dan Champine**

1. Beginning on page 4, line 31, to page 5, line 6, amend Section 1 as follows:

(4) Soft-scape and asphalt areas shall be temporarily stabilized within 72 hours where practicable, subject to weather, inspection scheduling, and materials availability, and restored to permanent condition as promptly as practicable consistent with applicable City standards. Cement restoration shall be temporarily completed within 72 hours where practicable and permanently completed within sixteen (16) calendar days where feasible. If permanent restoration within sixteen (16) days is not feasible due to weather, inspection scheduling, or material availability, the Licensee shall coordinate with the City to establish a mutually acceptable restoration schedule within 48 hours of discovery that permanent restoration is not possible within sixteen (16) days.

EXPLANATION: This amendment imposes a requirement that, if a Licensee believes they cannot achieve permanent restoration within sixteen days, they must coordinate with the City within 48 hours of such discovery that sixteen days is not a manageable timeframe.