

SMALL CELL WIRELESS

LEGISLATION AND IMPLEMENTATION

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Chief of ROW, DeIDOT

HOW WE GOT HERE


NO USE OF ROW BY “NON-UTILITIES”

INITIAL RESISTANCE BY DELDOT

MOMENTUM BUILDING
OUTSIDE OF DELDOT



LEGISLATION PROPOSED

- ▶ ADVANCED WIRELESS INFRASTRUCTURE INVESTMENT ACT
 - ▶ DELAWARE TITLE 17, CHAPTER 16
 - ▶ ATTEMPTS TO MODIFY THE LAW
 - ▶ LAW INTRODUCED MAY 18, 2017
 - ▶ PASSED BOTH HOUSES JUNE 15, 2017 WITH ZERO DISSENTING VOTES
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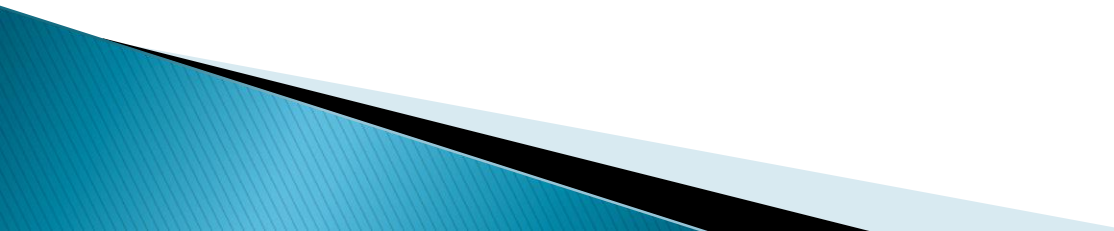
SOME MAIN POINTS

THEY ARE NOT CONSIDERED UTILITIES

ALLOWS INSTALLATION IN THE ROW

COLLOCATION IS AN OPTION

CAN ATTACH TO DELDOT STRUCTURES



RESTRICTIONS ON COMPANIES

NO MORE THAN 50 FT HIGH OR 10 FT HIGHER THAN ANY PREEXISTING UTILITY POLE IN THE SAME ROW OR WITHIN 500 FT.

ANTENNA SIZE NO MORE THAN 6 CUBIC FT VOLUME

\$100 DOLLAR, ONE TIME FEE. PLUS BILLING FOR DEPARTMENTS EXPENSES WITH REVIEW/INSPECTION

RESTRICTIONS ON DELDOT

60 DAY REVIEW/APPROVAL OF APPLICATION

14 DAY GATEKEEPER REVIEW PART OF 60 DAYS

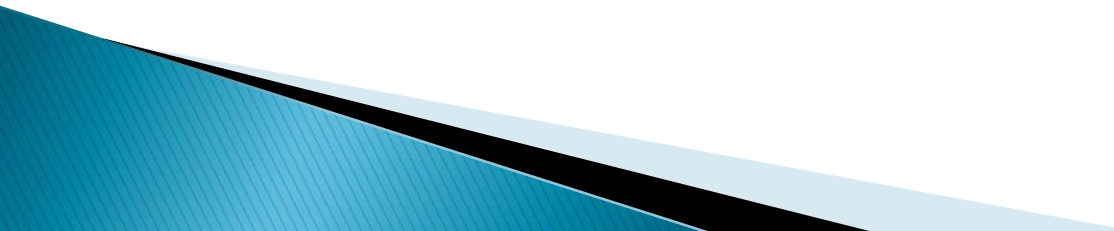
INCOMPLETE APPLICATION IS NOT ACCEPTED
MUST BE SUBMITTED WITH A NEW CYCLE

APPLICANT CAN RESUBMIT A REJECTED
APPLICATION WITHIN 30 DAYS

DEPARTMENT HAS 15 DAYS TO APPROVE/DENY
RESUBMITTED APPLICATION



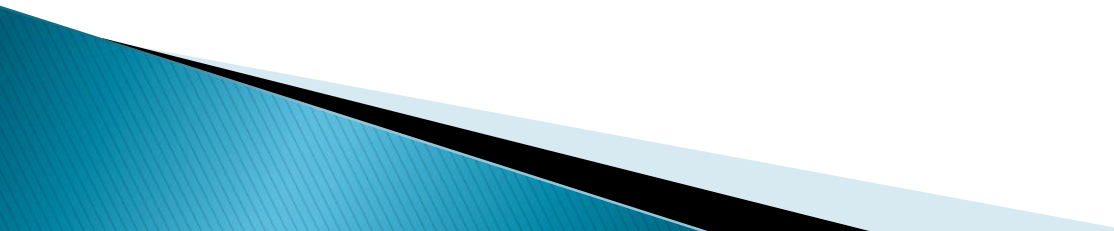
THE “FINE PRINT”

- ▶ The Department may not limit the facilities separation distances
 - ▶ The Department may not require them to perform services, for the Department including reserving fiber, conduit, or pole space.
 - ▶ The Department may not institute a moratorium on issuing permits.
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THE FINEST OF FINE PRINT

- ▶ Will allow for the collocation of facilities on department poles as **determined by the Department** subject to the following:
 - They shall be subject to reasonable **rates** as provided in an agreement between the Department and the wireless provider.
 - The **rate** to collocate on a department pole shall not exceed the actual, direct and reasonable costs related to the provider's use of space on the pole.

IMPLEMENTATION

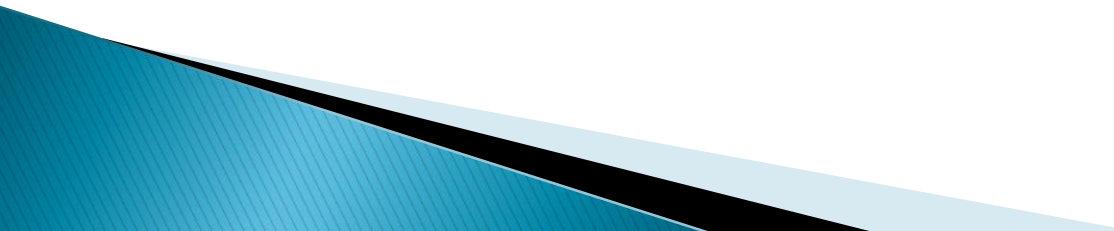
- ▶ HIRED A CONSULTANT FOR THE CREATION OF A CHECKLIST AND REVIEWS
 - ▶ PREPARED AN DETAILED CHECKLIST
 - ▶ MET WITH ALL COMPANIES REGULARLY DURING ROLL OUT
 - ▶ CONTINUE TO WORK WITH COMPANIES AS THE PROCESS EXPANDS
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DETAILED CHECKLIST

36 ITEMS ON GATEKEEPER LIST
94 ON TECHNICAL REVIEW LIST

Checklist Item Number	Required Gatekeeping Checklist Element	Code or regulatory reference	Item Provided	Wireless Provider Initials	Narrative or Explanation	Notifications to Applicant	Item Verified	Initials	Name
							DelDOT Reviewer	DelDOT Reviewer	
1	Signed copy of executed Limited Use and Occupancy Agreement listing specific locations is included with application and provides: pole numbers, structure numbers, or coordinates of nodes.	HB 189, Title 17 DE Code §1607, & Title 2 DE Admin. Code 2401 Utilities Manual Regulations, subsection 4.3.3				Form/Entry Incomplete			
2	A copy of the collocation "License" / "Letter of Consent" or excerpts from the signed written agreement issued by the pole/structure owner is included with application and provides approval for wireless service provider to utilize specifically identified poles or privately owned structures, including location specifics and concurrent approval.	HB 189, Title 17 DE Code §1606 (f)				Form/Entry Incomplete			
3	Excerpts from the signed written agreement between wireless infrastructure provider & wireless service provider, (or a signed affidavit from the WSP), including agreed upon dates, locations, and signature pages is provided with the permit application and documents the agreement to install, construct, modify, maintain, or operate specific; utility poles, small cell facility support structures, or wireless facilities in the ROW and specifies installation or construction of wireless provider facilities will be completed and active within one (1) year of specific pole or structure construction.	HB 189, Title 17 DE Code §1606 (d)				Form/Entry Incomplete			
4	The DelDOT Utility Section has been provided with a \$100.00 processing and administrative fee for each wireless small cell facility site/node listed on the permit application. NOTE: If there are additional non-recurring expenses associated with inspections for new installations or construction, wireless providers will be billed, upon completion, for the actual cost borne by the Department that exceeds the \$100 fee collected per node/site.	HB 189, Title 17 DE Code §1605				Form/Entry Incomplete			

RESULTS SO FAR

- ▶ 10 USE AND OCCUPANCY AGREEMENTS SIGNED
 - ▶ MORE COMING IN ALL THE TIME
 - ▶ EXPANSION OF COLLOCATION REQUESTS
 - ▶ EXTREMELY DETAILED CHECKLIST HAS BEEN THE KEY
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SOME NATIONAL VIEWS

AS OF MAY 2018:


20 STATE LEGISLATURES HAVE ENACTED
STREAMLINED SMALL CELL LEGISLATION

SEVERAL MORE WERE IN DISCUSSION

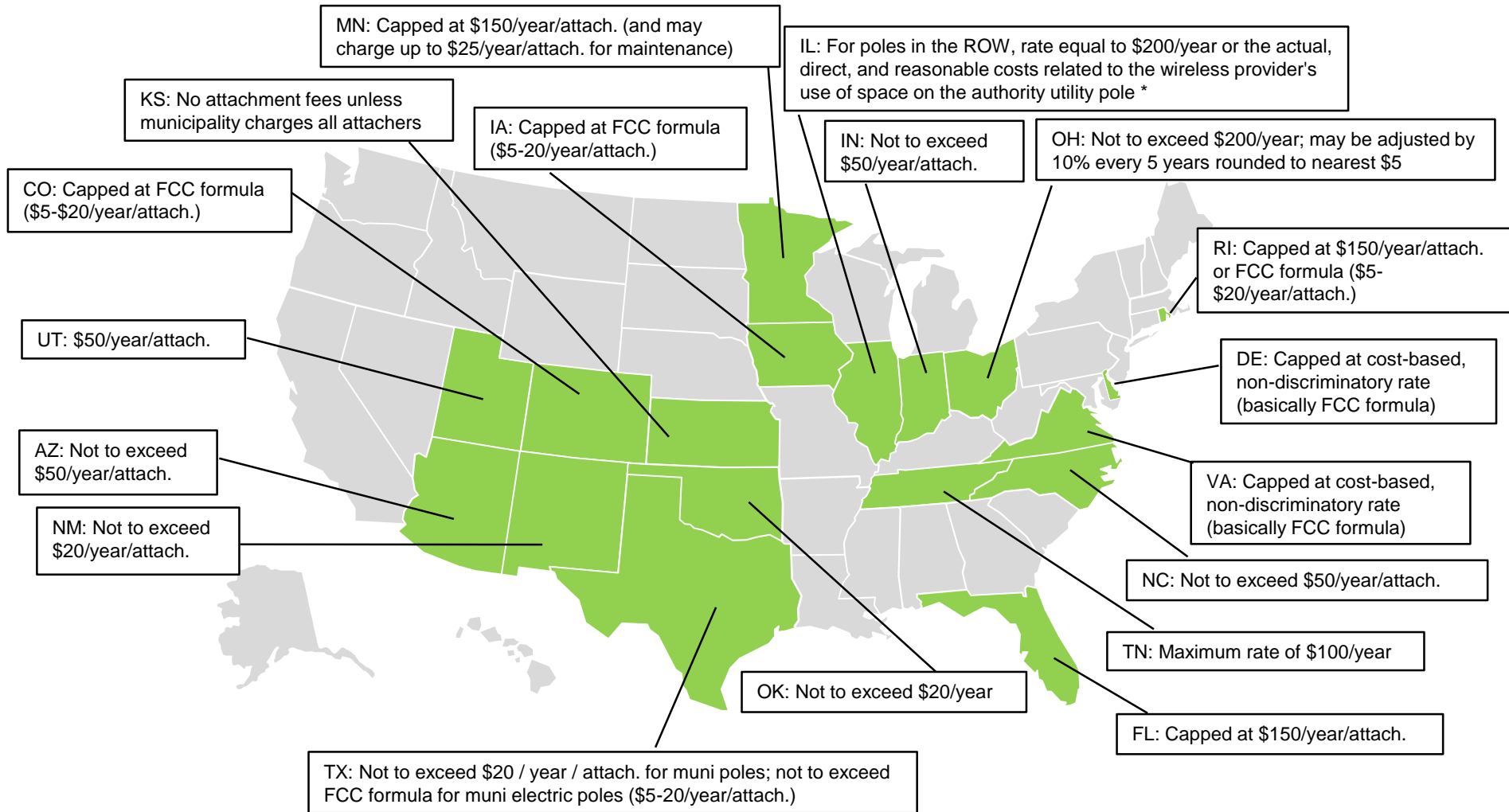
UNIQUE TO EACH STATE BUT MOST INCLUDE,
Streamlined applications to access
public rights-of-way.

Caps on costs and fees.

Streamlined timelines for the consideration and
processing of cell siting applications



18 States With Small Cell Laws: Attachment Rates



* Illinois data does not include the City of Chicago.

NATIONAL LEGISLATION

STREAMLINE SMALL CELL DEPLOYMENT ACT SENATE BILL 3157

Shall act on a “complete” collocation request within 60 days

May charge a fee that

“is competitively neutral, technology neutral, and nondiscriminatory;”

Plus costs related to review/processing of applications, maintenance, inspections and repairs

RESPONSE TO PROPOSAL

NATIONAL GOVERNOR'S ASSOCIATION

Responded opposed to the bill for 3 reasons:

- 1) Will complicate ongoing efforts of the States
- 2) Time frames established are “unfair”
- 3) Limiting charging for access

AASHTO IS PREPARING A RESPONSE ALSO

FCC IS IN FAVOR OF DEPLOYMENT



LESSONS LEARNED

GET AHEAD OF THE LEGISLATION

ALL WILL INCLUDE VERY SHORT TIME FRAMES
FOR REVIEWS AND APPROVALS

IT'S BEST TO ACT INSTEAD OF REACT

INCLUDE THE PRIVATE SECTOR



EXECUTIVE ORDER 14

ESTABLISHED AN ADVISORY COUNCIL ON
AUTOMATED VEHICLES

COUNCIL MADE UP OF A MIX OF PUBLIC AND
PRIVATE PARTNERS

INCLUDED:

FREIGHT, INSURANCE AND
AUTO ORGANIZATIONS

MPO AND LPA REPS

IT AND ECONOMIC DEV. LEADERS

OPERATIONS AND MAINTENANCE STAFF

REPORT DUE THIS SEPTEMBER



CONTACT INFORMATION

<https://rightofway.transportation.org/2018-baltimore-md/>

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