



City Council Report

Date: January 22, 2017

To: City Council

Through: Kari Kent, Assistant City Manager

From: Elizabeth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer

Subject: Use of Public Rights-of-Way by Wireless Providers

Purpose and Recommendation

The purpose of this report is to request Council approval for Small Wireless Facilities (SWF) Terms and Conditions and Site License to comply with Arizona Revised Statutes (A.R.S.) Title 9, Chapter 5, Article 8 relating to compliance with the use of public rights of way by wireless providers.

Background

SWF is part of a macro-micro cellular communication coverage umbrella enabling data flow between traditional cell sites and SWF. This architecture provides higher quality of service and increased capacity to a dedicated geographic location. SWF are a fraction of the size of traditional cellular facilities and serve a smaller area than traditional cellular sites. The reduced size allows SWF to attach to existing street lights and similar assets.

The following is a list of Council actions related to accommodating SWF in the City's rights-of-way:

- In March 2015, City Council approved Resolution No. 10588, authorizing a wireless license for Verizon Wireless to install, operate, and maintain wireless communications facilities on City owned streetlights in the City's rights-of-way.
- In May of 2015, City Council approved Resolution No. 10627, establishing a fee to use the rights-of-way for SWF. The fee to use the rights-of-way varied from \$3,469 to \$21,073 annually, based on the volume (cubic feet) of equipment placed in the right-of-way.
- In December of 2016, the City Council approved Resolution No. 10901, authorizing a wireless license for Cox Communications to install, operate, and maintain wireless communications facilities on City owned streetlights in the City's rights-of-way.

In March 2017, the Arizona State Legislature approved and the Governor signed into

law House Bill 2365, which amended Title 9, Chapter 5, Article 8 of the Arizona Revised Statutes relating to wireless services. State Law allows wireless providers to install, operate and maintain SWF and related equipment in city, town, and county rights-of-way and public easements as a matter of right. Mesa Electric, Salt River Project, Arizona Public Service, and the City of Yuma are exempt from the new legislation.

Discussion

To comply with these changes to State Law, City staff has prepared processes and standards to accommodate SWF.

SWF must conform to equipment definitions set forth in State Law. The SWF installations will generally fall into three categories:

1. Collocation on City-owned existing streetlights, traffic signals, intelligent transportation systems (ITS) monopoles, or other utility poles in the rights-of-way;
2. Collocation on City-owned assets that must be replaced to accommodate the structural or concealment nature of the SWF equipment;
3. Installation of a new freestanding monopole subject to setback, fall zone, and concealment requirements such as a faux tree/cactus or a solar paneled streetlight. Industry has the option to submit alternative monopole concealment designs as approved by the City.

The City, in conjunction with other cities in the area, developed standard Terms and Conditions, Site License and an Application that sets forth the rights-of-way use requirements and authorizes the installation, operations, and maintenance of SWF, including applicable permitting. The City likewise developed Engineering Standards and Details to accommodate the design and construction of small wireless facilities.

In order to mitigate the potential hazard to City employees working in close proximity to these SWF sites, the City will contract with a radio frequency (RF) consultant to confirm compliance with Federal Communications Commission (FCC)'s RF exposure guidelines for "general population/uncontrolled exposure" and for "occupational/controlled exposure" 47 C.F.R. § 1.1310. Also, the RF consultant will assist in the development of a RF Safety training and certification program for City staff based on FCC, OSHA and IEEE C95.7 2014.

Alternatives

Council may approve staff's recommendation, consider different document language or take no action.

Taking no action is not recommended, because the existing various licenses would remain effective until February 9, 2018, at which time the City would be in violation of State Law.

Fiscal Impact

Due to the limits placed on the City by the new State Law, the City will not be able to recover the full cost to administer the SWF permitting, inspections, and licensing.

Coordinated With

City Attorney's Office
Information Technology Department
Transportation Department