

Administration's Overview of SB189

- Wireless providers have the right to:
 - install small wireless facilities and utility poles within ROW; and
 - locate small wireless facilities on municipal poles (includes street lights, traffic lights, street signs) and other structures in the ROW (including billboards)
- City is required to recognize small wireless facilities in ROW as a permitted use in all zones and districts (strictly an administrative process)
- A small wireless facility consists of: an antenna of 6 cubic feet or less; pole and ground equipment of 28 cubic feet or less
- The small wireless facilities may be installed on a utility pole no taller than 50 ft. (potential additional 10 ft. for antennae)

City Powers

- Design/Historic and Underground Districts – City must allow small wireless facilities including utility poles (heightened design standards)
- May limit new utility poles in ROW that is 60 ft. wide or less and adjacent to residential property
- May adopt reasonable, nondiscriminatory design standards
- May adopt nondiscriminatory police-power-based regulations for management of ROW
- May deny applications for articulable public safety reasons
- May require agreement dealing with indemnification, insurance and bonding before ROW work

Compensation

- Annual ROW Access Rate
 - 3.5% of gross revenue under Municipal Telecommunications License Tax (if the tax applies), or
 - the greater of 3.5% of gross revenue or \$250 per small wireless facility
- Annual Authority Pole Attachment Rate: \$50 per collocated small wireless facility per authority pole
- Application Fees (for a Permit to work in the ROW)
 - \$100 per collocated small wireless facility
 - \$250 per utility pole with a small wireless facility
 - \$1000 per non-permitted use
- Other applicable permit fees

Application Limits

- Consolidated application: up to 25 small wireless facilities of substantially the same type; Up to 75 small wireless facility (3 consolidated applications) per 30 days

Shot Clocks (Review periods)

- Review for Completion: 30 days (City can deem application incomplete and applicant has 90 days to cure any deficiencies)
- Installation on existing pole: 60 days (including completion review)
- Installation on new, modified, or replacement utility pole: 105 days (including completion review)
- One additional extension of 10 business days
- Deemed complete and/or granted if municipality does not meet deadlines

Current City Ordinances Governing Antennas in Public-right-of-way

The Administration reports three sections of City Code govern SWF in the public-right-of-way. However, SB189 supersedes these ordinances and allow SWF potentially anywhere in the public-right-of-way.

Section of Salt Lake City Code	Title	Function
SLC §21A.40.090	Antenna Regulations in Public Right of Way (ROW)	<ol style="list-style-type: none">Allows antennas to be mounted on <i>existing</i> 3rd-party-owned utility poles. There are no other antenna installations allowed in the ROW.Requires the electric equipment to be placed underground or on private property (or on the pole, which is not allowed by RMP).Requires that facilities in the ROW be subject to any applicable franchise fees or lease agreement required by City.
SLC §14.32.425	Telecommunication Right of Way Permits	Allows conduit and cable to be located within the ROW
SLC § 14.40.020	Utility Poles and Wires	New poles are only allowed for franchise holders (but not permitted for antennas).

Coordination with Rocky Mountain Power (RMP)

The Administration provided the following summary of how RMP is involved in locating SWF in City rights-of-way.

“Rocky Mountain Power (“RMP”) policies directly influence the implementation of City code. RMP allows for small cell infrastructure attachments to its existing utility poles as well as to overhead wires. Such attachments require a pole attachment or wireline attachment agreement between RMP and the small cell provider; once this agreement is in place, providers must submit pole location plan and then RMP does a site analysis of each location within a 45-day period.

After

pole sites are approved by RMP, the small cell provider submits to the City RMP’s written approval along with the company’s permit application to locate in the ROW. RMP does not have poles in the Central Business District as it is an underground district, and so other locations for small cell facilities must be identified.”