



# Small Cell Wireless Briefing

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COMMUNITY TECHNOLOGY AND  
TELECOMMUNICATIONS COMMISSION  
DECEMBER 13, 2017

# Senate Bill 1004

- Passed the House 5/18/2017 (140-6) and Senate 5/25/2017 (29-0) with major support and lobbying by carriers and wireless infrastructure providers
- Codified as Chapter 284 of the Texas Local Government Code
- Took effect September 1, 2017
- Attempts to create a statewide regulatory structure for wireless deployment
- Caps permit application fees (\$500 for 5 nodes, \$250 for each additional node, \$1,000 per node pole).
- Sets rates for City's ROW use at \$250 per network node per year and fiber transport at \$28 per node per month



# S.B. 1004 - What can a city do?

- Require compliance with Right of Way management ordinances.
- Continue to exercise zoning, land use, planning, and permitting authority.
- Continue to impose police power-based regulations in management of public right of way.
- Require compliance with a design manual – historic and design districts, parks, and residential areas.



# Cities can also:

- Require indemnification by providers, (same as Chapter 283),
- Require relocation or adjustment of network nodes in a timely manner without cost to the city,
- Require non-interference with city mobile telecom and radio operations,
- Require permits for placement of network nodes, node support poles, and fiber transport facilities in the right-of-way.



# Small Cell Implementation

- Code Amendment Ordinances adopted - 8/17/2017
  - Amended Section 14-11 – Uses of Right of Way
  - Amended Section 15-7 Uses of City-Owned Utility Infrastructure
  - Amended Section 15-8 – Use of Right of Way by Telecommunication Providers
- Aero Solutions consulting contract extended – 8/17/2017
- Meeting held with wireless providers on 8/22/2017
- Emergency rules and permanent administrative rules published 8/31/2017. (Austin Energy, Austin Transportation, and Planning & Zoning)
- Began accepting small cell permit applications on 9/01/2017



# Austin Energy Rules

- Criteria for Small Cell attachments are contained in a new section of the Utility Criteria Manual titled “Section 6 - Austin Energy Pole Attachments”.
- Utility Criteria Manual Section 6 is applicable to wireline and wireless attachments to AE poles.
- New “short-form” pole attachment standard license agreement contained in Appendix E of the Utility Criteria Manual will be required for all attachments to AE poles.



# AE Pole Attachment Criteria

- Pole top installation of antennae on street light poles
- Pole top installation of antennae on tangent, street accessible distribution poles
- One small cell antenna allowed below the communication space on distribution poles
- Supporting equipment to be ground-mounted in ROW
- Pole Loading Analysis to be required for all wireless installations



# Austin Energy Compliance Issues

- Small Cell providers required to use AE approved electrical contractors to work in the electrical supply space (within 40" of energized conductors).
- Post installation inspection will ensure compliance with applicable laws and safety standards.
- Distribution pole replacements to be performed by approved electrical contractors at the providers' expense.
- Following City inspection & approval, replacement distribution poles will become City property.
- All small cell installations outside of Phase I (pilot) will use metered power.





# Austin Transportation - Changes to Ch.14-11

(City's right-of-way management ordinance)

- Creates new permit for a facility installation (e.g. small cell)
- Allows up to 30 permit requests on a single application with no more than 30 permit requests pending from an applicant at any one time
- Allows City to require a pre-application feasibility walk
- Grants authority to department directors to set insurance and security requirements for installations in the right of way



# Austin Transportation Rules

- Set requirements for wireless equipment attachment applications on traffic poles
- Serve as a Design Manual as allowed by state law
- Set minimum 300 foot spacing for stand-alone poles
- Prohibit equipment placement in parks and certain residential areas
- Set standards for placement of new poles in designated design areas (Downtown, University Neighborhood Overlay, etc.)



# Austin Transportation Attachment Criteria

- No overhead wire attachments to traffic poles
- No back-up generators allowed
- Pole loading analysis is required
- Node power must be separate from traffic signal and street light circuits
- Pre-application site feasibility walk is required



# Planning & Zoning Design Districts

- Downtown
- University Neighborhood Overlay
- Transit Oriented Districts/ East Riverside Corridor/North Burnet Gateway
- Public Utility Districts & Planned Development Areas
- Waterfront Overlay
- Core Transit Corridors
- Historic Districts & Landmarks



# Planning & Zoning - Overview of Design Standards

- Alignment of equipment in ROW
- Site selection
- Minimum spacing for new node poles
- Pole height and color
- Undergrounding requirements



# Small Cell Fee Reductions

Effective 9/01/17

Item	Pre-SB 1004	Post- SB 1004
Node Application Fee	\$1,250 per location	\$500 per 5-locations
Right of Way Rent	\$1,500 per location per yr.	\$250 per location per yr.
Fiber Transport Fee	\$0.63-\$2.50 per ft. per yr.	\$28 per node per month



# Compliance Costs Estimates

Department	FY 17	FY 18
Austin Energy		\$2,238,000
Development Services	\$13,508	\$354,000
Austin Transportation	\$12,600	\$636,000



# Pending State & Federal Actions

- Austin Suit in Federal Court to overturn SB 1004
  - Request for injunctive relief denied – Filed prior to September 1, 2017
  - Case still pending under Judge Pittman
- Crown Castle Public Utility Commission complaint against Austin
  - Dropped
- Public Utility Commission Ruling on its Authority over Section 284 for Wireless
  - PUC ruled that it did not have authority over Section 284 wireless regulations
- McAllen, Dallas, & coalition of 33 other cities are suing the State in Travis County State District Court
  - State motion to dismiss is pending
  - Cities' motion that SB 1004 is an unconstitutional taking of public assets is pending

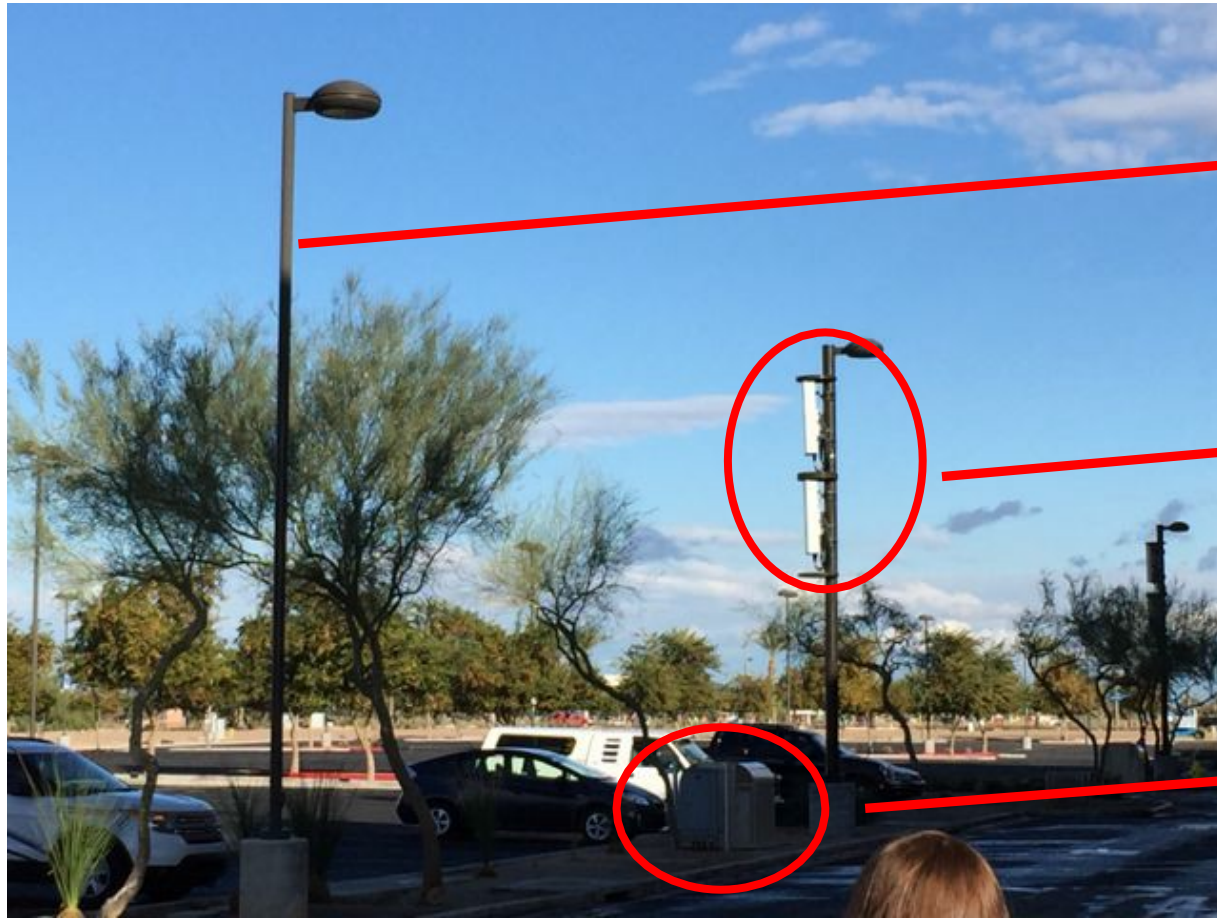




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# Questions???

# What is small cell infrastructure?



Attached to street light, electrical distribution or traffic light poles, install new poles, cabinets and fiber for backhaul

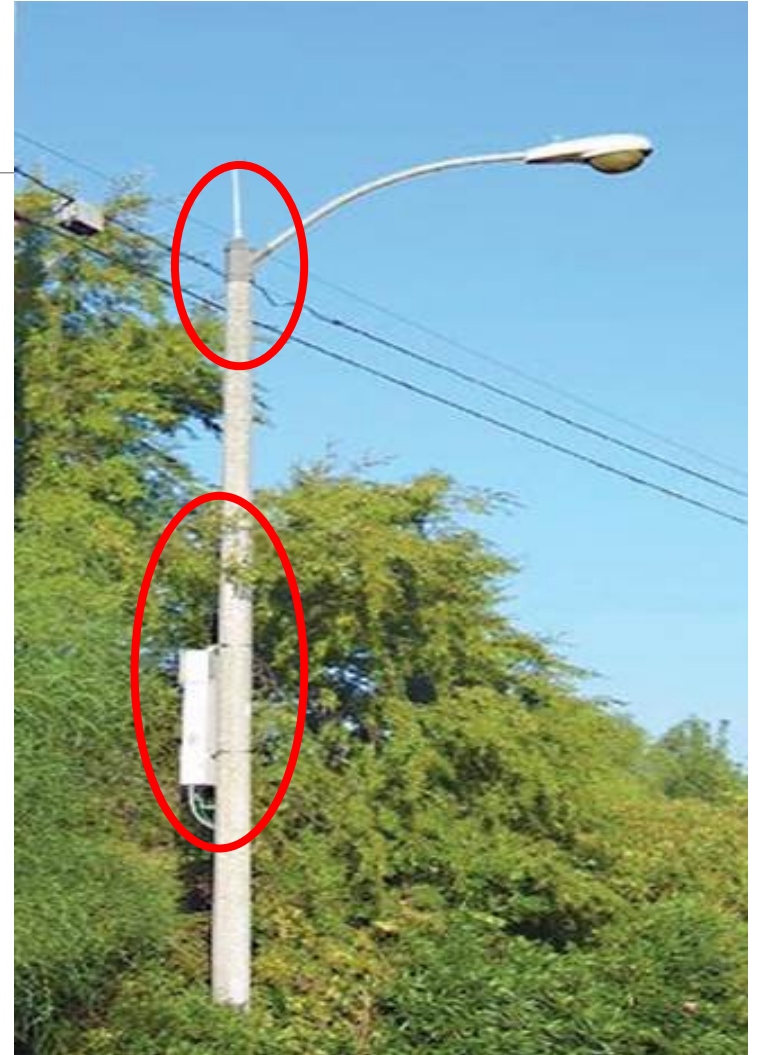
Either wireless carriers or infrastructure providers install systems equipment.

Cabinets to support wireless service on street or attached to pole. Need electrical power.

# Small Cell Installations



Source: RCR Wireless News



Source: Crown Castle Small Cell – Los Angeles