UTAH LEAGUE OF CITIES AND TOWNS

2nd Substitute SB 189 Small Wireless Facilities Deployment Act (Sen. Bramble)

Note: Federal law requires that cities allow access to the right-of way (ROW). 2SB 189 creates a uniform state-wide process for facilitating that access and compensating cities.

Overview

- Wireless providers have the right to:
  - install small wireless facilities and utility poles within ROW; and
  - collocate small wireless facilities on non-electric municipal poles.
- Municipalities are required to recognize small wireless facilities ("SWF") 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 ft^3 or less; ground equipment of 28 ft^3 or less; and it is collocated or installed on a utility pole no taller than 50 ft. (potential additional 10ft. for antennae).

Municipality Powers

- Design/Historic and Underground Districts - must allow SWF 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; 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
  - $100 per collocated small wireless facility.
  - $250 per utility pole with a small wireless facility.
  - $1000 per non-permitted use.
- Other applicable permit fees.

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Application Limits

- Consolidated application: up to 25 small wireless facilities of substantially the same type.
- Category One Authority: Population of 65,000 or greater
  - Up to 75 small wireless facility (3 consolidated) applications per 30 days.
- Category Two Authority: Population of 64,999 or less.
  - Up to 25 small wireless facility (1 consolidated) applications per 30 days.

Shot Clocks

- Completion: 30 days
- Collocation: 60 days (including completion review)
- 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.

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