

City of Coral Gables Commission Meeting

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Amending Cable Ordinance &
Creating Communications Rights-of-Way Ordinance

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Advanced Wireless Infrastructure Deployment Act

Wireless industry priority to obtain access to public rights-of-way and government-owned poles to collocate “small wireless facilities”

Establishes process for “wireless providers” – which includes both service providers and infrastructure companies (that install and manage such facilities) – to place “small wireless facilities” in municipality or county public rights-of-way.

Specifically excludes Florida Department of Transportation rights-of-way.

The Act became effective July 1, 2017, and is codified in Section 337.401 (7), Florida Statutes.

Similar Legislation In Other States

- ▶ Similar legislation was enacted in **Arizona, Colorado, Delaware, Indiana, Iowa, Kansas, Minnesota, North Carolina, Ohio, Texas and Virginia.**
- ▶ Court challenges in Texas by local governments on grounds that the legislation is unconstitutional.

The Act provides:

Preempts local authority. Except as provided in the Statute, a city or county cannot:

- ▶ Prohibit, Regulate, or Charge for the collocation of **small wireless facilities** in the public rights-of-way.
- ▶ 4 Types of Installations that May Occur in the ROW:
 - Collocate a small wireless facility on an existing utility pole/structure
 - Install a new utility pole for collocation of a small wireless facility
 - Install micro wireless facilities on existing aerial cable, and
 - Install a ground mounted small wireless facility for equipment

A Utility Pole includes a pole used for communications or electric distribution, **lighting**, traffic control, or signage.

What is a “Small Wireless Facility”?

The Act defines small wireless facility as:

- ▶ Deployments with **enclosed or exposed antennas no more than 6 cubic feet in volume**; and
- ▶ All other associated wireless **equipment that is no more than 28 cubic feet** in volume

Time Frames to Process Applications

- ▶ A local government has 14 days to determine if an application is complete, and, if not, to provide notice to the applicant of the *specifically identified* missing information.
- ▶ A complete application must be approved or denied within 60 days or it is “deemed granted.”
- ▶ The parties may mutually agree to extend the 60-day application review process.

May Deny An Application For A Small Wireless Facility If It:

- ▶ Materially interferes with the safe operation of traffic control equipment;
- ▶ Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
- ▶ Materially interferes with the ADA or similar federal or state standards concerning pedestrian access or movement;
- ▶ Materially fails to comply with the 2010 edition of the FL DOT Utility Accommodation Manual; or
- ▶ **Fails to comply with applicable codes.**

What are Applicable Codes?

- ▶ Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes solely to address threats of destruction of property or injury to persons.
- ▶ **Local codes or ordinances adopted to implement this Act. This proposed Ordinance constitutes an applicable code.**
- ▶ **Objective design standards adopted by ordinance.**

Objective Design Standards

- ▶ May require new or replacement poles be of similar design, material, and color as existing poles;
- ▶ May require ground-mounted equipment to meet reasonable spacing requirements;
- ▶ May require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements.

NOTE: May waive such standards if not reasonably compatible to a particular location or impose an excessive expense. Any waiver request must be granted or denied within 45 days of receipt.

Proposed Ordinance

- ▶ The proposed Ordinance implements the Act and provides requirements for **all communications facilities** in the ROW.
- ▶ The proposed Ordinance contains, consistent with the Act:
 - ▶ New definitions;
 - ▶ Requirements for registration, insurance, security fund, indemnification, warranties, abandoned facilities & performance bond for construction;
 - ▶ Application requirements & procedures;
 - ▶ Pre-application meeting; engineering plans; no permit fees
 - ▶ Construction requirements, excavation and restoration.

Collocation on Government Poles

- ▶ Terms for collocation on County utility poles.
 - ▶ Reservation of space for public safety.
 - ▶ Fee: \$150 per pole per year
 - ▶ Cannot compromise the utility pole's finish, functionality or structural integrity.
 - ▶ Make ready work or replacement is at communication provider's cost.
 - ▶ Maintain discretion to remove poles.

Proposed Ordinance: Preservation of Historic Property & Miracle Mile and Giralda Avenue Project

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- ▶ Statute Preserves City's Authority to Enforce Historic Preservation Regulations Adopted by Ordinance in Effect on April 1, 2017 or Where the Intent to Adopt Such Changes Was Publicly Declared by April 1, 2017. Ordinance Confirms City's Intention to Enforce its Historic Preservation Code.
- ▶ Properties that have been designated as historic cannot be altered or excavated without a certificate of appropriateness per Art. 3, Division 11 of the Zoning Code. If a registrant seeks to place or to maintain a communications facility in a location in the public rights-of-way that would constitute a material amendment to the City Plan, the registrant shall obtain appropriate approvals, including a Special Certificate of Appropriateness, from the City pursuant to Art. 3, Division 11, Sec. 3-1104 of the Zoning Code, prior to submitting an application.
- ▶ New Above-Ground Small Wireless Facilities Are Not Allowed in the Miracle Mile and Giralda Avenue Streetscape Project unless waived by the City.

Proposed Ordinance & Design Requirements

- ▶ Objective Design Standards for such facilities;
 - ▶ Location context regulations. Facilities shall not be approved in locations:
 - ▶ Where they would interfere with traffic, pedestrians or other ROW users.
 - ▶ Where they would interfere with adjacent property owners and must be placed on common lot line.
 - ▶ Where would interfere with drainage or other utilities.
 - ▶ If within HOA, must comply with HOA restrictions.
 - ▶ Not allowed in locations where utilities must be underground.
 - ▶ Not allowed in locations where would interfere with capital improvement projects.



Objective Design Requirements

- ▶ Can Waive These Requirements.
- ▶ Utility Poles: Replaced poles must be in substantially same location and similar to original pole in terms of finish, material, size and design.
 - ▶ Height is limited to height of the tallest existing utility pole as of July 1, 2017 within 500 feet or if no such poles, 50 feet.
 - ▶ New poles shall be designed to be substantially similar to existing poles or per the City's Mediterranean Design standards.
- ▶ Collocated Small Wireless Facilities (6 cu. ft. or less)
 - ▶ Cables and wires either within the pole or a shroud on the pole. No exposed cables.
 - ▶ Stealth design – slim design if on top of a pole, or attached to resemble other pole attachments, cannot extend more than 10 feet above the pole.
- ▶ Ground Mounted Small Wireless Facility (28 cu. ft. or less)
 - ▶ Must be within 10 ft. of pole; reasonable spacing requirements – not within 500 feet of other such cabinets
 - ▶ Stealth and concealment requirements.



Sample of Small Cell Solutions in Urban Landscape (Before and After)



Sample of Small Cell Solutions in Urban Landscape



Pole Mounted vs. Ground Cabinets

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Pole Mounted Cabinets (Shrouds)

Mounted at a minimum of 10' above ground level.
Used on concrete and metal pole applications.
48" tall and will conceal and house all radios and equipment.
Secure and out of reach from vandalism and graffiti.
Do not require additional excavation during installation.
No additional structure added to right of way.



Ground Cabinets

Placed within 10' of pole depending on existing obstructions (sidewalks, driveways, utilities).
Conceal and house all radios and equipment, allow for power meter to be mounted.
Secures equipment but vulnerable to vandalism and graffiti.
Requires additional digging for installation and path to pole for power and fiber transport lines.
Height is between 36" to 48" tall.



Shrouds

Antenna Shrouds

Used at the top of pole to conceal mounting brackets and coax wires.
Create a smooth transition from pole to antenna.
Can be painted to match pole, antenna or both.



New Metal Stealth Pole



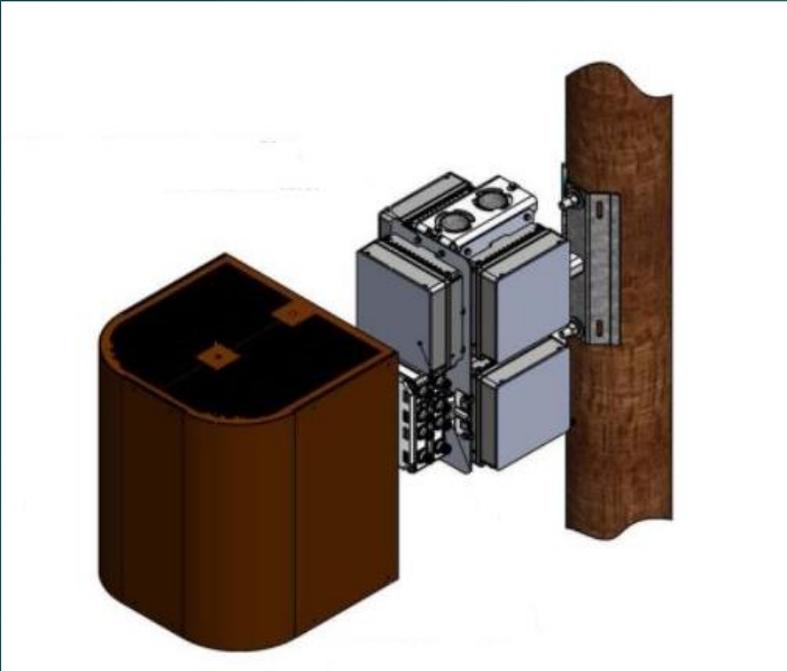
Existing JEA Streetlight Pole



New Concrete Pole

Radio Shrouds

Used on wood pole applications at mid-pole location (15' above ground).
Enables concealment of radios, power units and wire connections.
Galvanized brown finish to match pole color (other colors available).



❑ Standard Wooden Utility Pole

50' or 32' top of antenna depending on desired coverage area.
Placed by AT&T Mobility or Co-located on existing JEA poles.

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- ❑ Standard Concrete Utility Pole
50' or 32' top of antenna depending on desired coverage area.
Placed by AT&T Mobility or Co-located on existing JEA poles.



❑ Standard Metal Utility Pole - Stealth Design (New Pole Placement)

50' or 32' top of antenna depending on desired coverage area.

Placed by AT&T Mobility, used in downtown area where no existing poles are present. Painted to match color of surrounding lighting structures.

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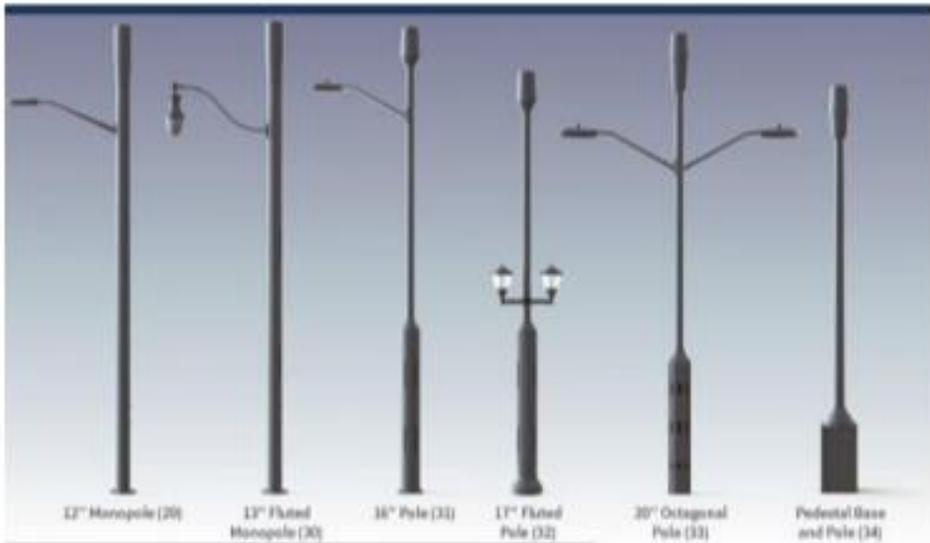
- ❑ Alternate Stealth Examples (Streetlight Co-location)
47' or 37' top of antenna depending on desired coverage area.
Co-located on existing JEA poles.



Decorative Installation Examples

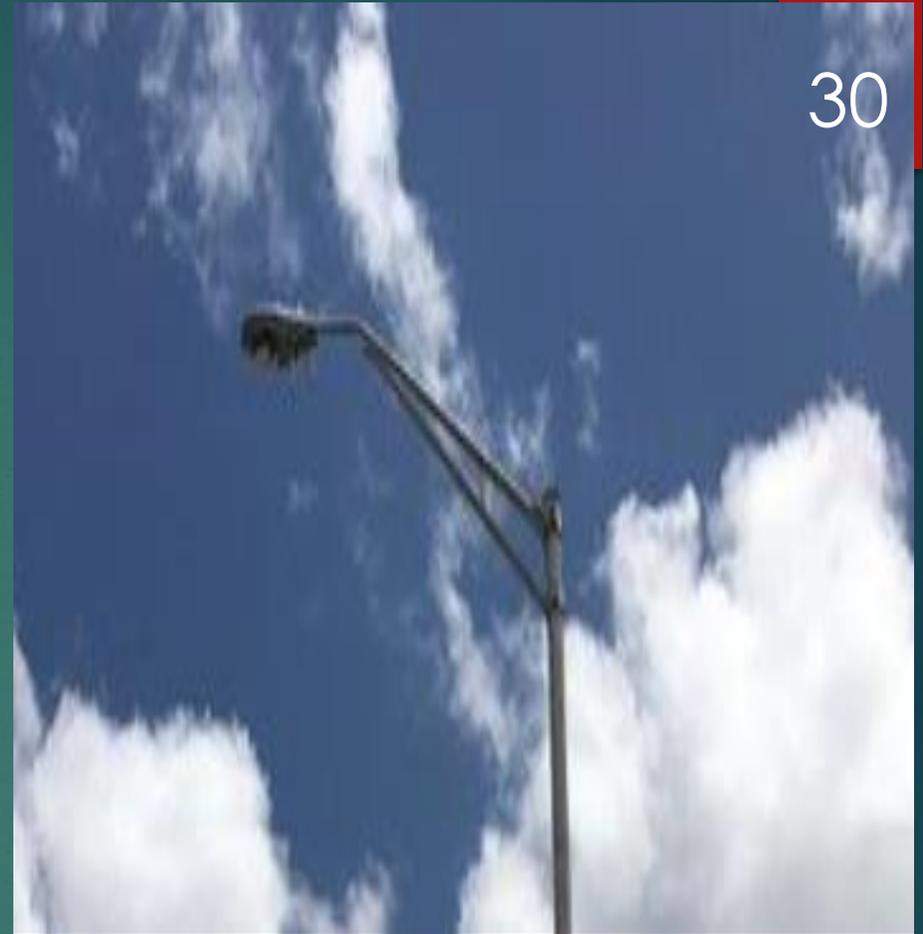


Decorative Installation Examples











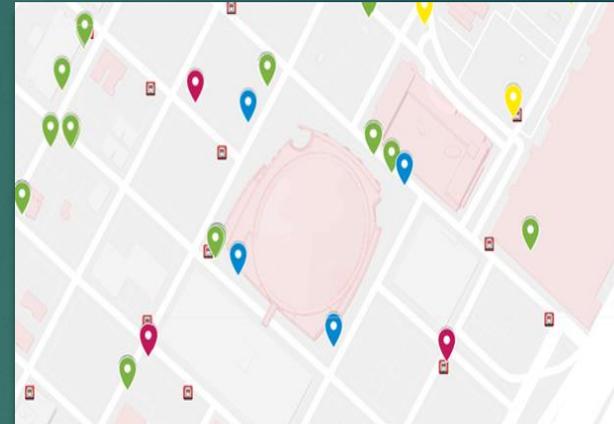
Examples: Installations and Locations



Photo Sim
Submitted With
Application



Picture of Actually
Installed



Locations Within
Urban Downtown
Area

Excavation Issues Are Common



May 12, 2018, contractor for a wireless carrier installing fiber via directional bore struck a water main, which caused a flood and the road collapsed, creating a sink hole which blocked the entrance to a neighborhood in Cooper City. (Sun Sentinel picture)

FCC Order On Small Cell

- ▶ FCC Released Order On September 28, Providing Federal Regulations for Deployment of Small Cell Infrastructure In The Public Rights-of-way.
- ▶ FCC Adopted Broader Reading Of Its Own Authority and the Telecom Act's "Prohibition Of Service" Than Previously Afforded By Courts.
- ▶ Does Not Expressly Preempt State Statutes And In Large Part Consistent With Florida Statute. Preserves Local Authority To Manage Rights-of-Way, Address Public Safety, and to Adopt Aesthetic Standards by ordinance.
- ▶ May Affect Carve Outs In Florida And Other States' Laws -- FDOT, Coastal Communities, Retirement Communities, and HOAs.
- ▶ Order Is Effective 90-days after Publication in Federal Register, and will be subject to court challenge.

Available For Any Questions.