

Master License Agreement: Small Cell Wireless Systems on City Streetlights and Wood Utility Poles

Public Utilities Department

City Council
December 11, 2018

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BACKGROUND

1. California law provides that most telecom companies be given access to public right of way for their lines.
2. Industry practice is work with telecom providers to minimize congestions and give access to existing structures for a leasing fee.
3. New technology developments have made right of way congestion and safety (support structure overloading an issue).

- The structure used to support supply and or communication conductor cables and associated equipment
- Wood poles
- Concrete poles
- Metal poles
- Fiberglass

Typical Utility Pole

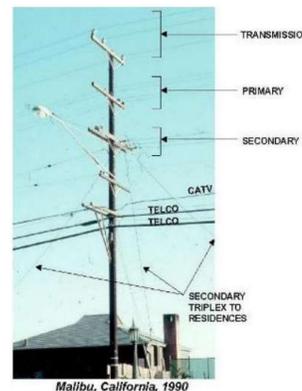


Image from CPUC SED.
Presentation on Utility Poles and Telecom Safety



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BACKGROUND

4. Riverside wishes to grant leases and ensure that the proliferation of new **small cell and other new telecom technology** does not increase the **risk** to the public or the reliability of our systems.
5. In early 2017, an interdepartmental city team was assembled to develop a Master License Agreement (MLA) in anticipation of the coming changes to the attachments.



Example of City : Telecom Collaboration in San Francisco



Example of low City : Telecom Collaboration in Oakland

Image from Omar Masry, City Planner in San Francisco.

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DISCUSSION

1. Federal Communications Commission (FCC) issued a ruling (FCC 18-133) on September 26, 2018, applying to state and local governments; limiting attachment application timelines, fees and influence on design requirements (i.e. aesthetics requirements).

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DISCUSSION

2. The MLA addresses the ruling with the following:
 - A. Language shaped with all stakeholders (including telecom input).
 - B. Addresses attachments to all assets (i.e. streetlights, utility poles, etc.).
 - C. Initial term of 10-years.
 - D. Compliance to the space rental rates established by the FCC.
 - E. Compliance to timelines established by the FCC.
 - F. Reasonable design standards that address safety and aesthetics.



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DISCUSSION

FCC Rule Compliance Specifics:

1. Fee limits:
 - A. Maximum \$500 for a single up-front application that includes up to 5 Small Wireless Facilities ("SWF").
 - B. Maximum \$100 for each SWF beyond 5.
 - C. Maximum \$270 per SWF per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.



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DISCUSSION

FCC Rule Compliance Specifics (continued):

1. Established timelines:
 - A. 60 DAYS (previously 90 days) for collocation of SWF on pre-existing structures.
 - B. 90 DAYS (previously 150 days) for SWF new construction of facilities.

2. Aesthetics rules:
 - A. Aesthetic requirements are not preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and published in advance.



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RECOMMENDATIONS

That the City Council:

1. Approve the Master License Agreement (MLA) for attaching small cell wireless antennas and equipment to City owned street lights and wood utility poles, at the rates set forth in the MLA (MLA, Exhibits C-1 and C-2);
2. Authorize the City Manager, or his designee, to execute MLAs for attachments of small cell wireless antennas and equipment to city owned street lights and RPU owned wood utility poles attachments to City facilities under the terms set forth in the MLA; and
3. Approve the additional requirements, outlined in this report, for the street opening permits in order to ensure compliance with Title 20 of the Riverside Municipal Code.



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