

MUNICIPAL STRATEGIES FOR REGULATING SMALL CELL WIRELESS FACILITIES

FINDINGS FROM THE WESTCOG LAND USE PLANNING FOR WIRELESS TELECOMMUNICATIONS TASK FORCE

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EVOLUTION OF BROADBAND SERVICES



THE VISION FOR 5G – A WORK IN PROGRESS

Innovations which 5G is expected to enable:

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Remote robotic surgery	Biometric authentication	
Internet of Things	3D printing	
Enhanced industrial automation	Increased access to virtual medical care	
Smarter homes and cities	Safer autonomous vehicles	
Next generation wearables	Artificial intelligence and machine learning	
Smart grids/energy	Improved emergency response	
Virtual reality experiences	Advances in genomics	

Source: PSB Survey of 3,588 Business Decision Makers, 2018, p. 124



WHY IS THIS IMPORTANT?

- Many of these installations will shift from towers- where CSC or PURA have primary authority- to municipalities for primary authority
 - More telecommunications facilities will be placed on billboards, chimneys, silos, church steeples, the sides and roofs of buildings, gas station and hotel signs, signalized intersection equipment, flag poles, etc.
- 2018 FCC 5G FAST Plan new regulations aimed at expediting the mass deployment of small wireless facilities
- State priority Governor Lamont's 2021 State of the State
- Public Interest both for and against

SMALL WIRELESS FACILITIES (SWF)



https://www.freerangekids.com/the-lonely-refrigerator/

A SWF must meet the following conditions:

- Mounted on a structure 50 feet in height or less
- Cannot be more than 10% taller than adjacent structures
- Antenna limited to 3 cubic feet
- Other SWF equipment limited to 28 cubic feet
- Radio frequency radiation within FCC safety standards

JURISDICTIONAL ISSUES

The authority to regulate telecommunication facilities revolve around a complex set of federal and state laws, case law, state regulations, State Agency Docket decisions and municipal authorities. Four Major Strategies to Manage Deployment of Small Cell Wireless Facilities

- 1. License Agreement
- 2. Right of Way Ordinance
- 3. Zoning Ordinance
- 4. Municipal Ordinance



#1. LICENSE AGREEMENT



THE BUSINESS STRATEGY: LICENSING WIRED AND/OR WIRELESS TELECOMMUNICATION PROVIDERS





WHY REVISE YOUR ROW ORDINANCE?

- Small Cell Wireless Facilities (SWF) are being deployed along major highway corridors
- Significant public safety issues are triggered by SWF deployments:
 - Intersection & driveway sightlines affected by antenna and accessory equipment
 - Safety at pedestrian crossings may be impacted by ancillary equipment
 - Damage to buried infrastructure such as tree roots, sewer and water lines
 - Highway safety hazards from fiber optic work in roadway
 - Need for accurate municipal inventory of buried infrastructure



#3. ZONING ORDINANCE



TEN PRIORITY ZONING RECOMMENDATIONS

There are unique land use issues associated with small cell wireless facilities. Our analysis identified the following as high priority improvement areas for Connecticut Planning and Zoning Commissions:

Location Considerations	Administrative Review	Design Concerns
Explicit Siting Preferences	Use Zoning Permit Process	SWF Design guidelines
Alternative Analysis	Explicit Approval Criteria	Historic Preservation Guidelines
Prohibit in Open Space	RF Emission Reports	Reasonable Viewshed Regs.
Identify Municipal Bldgs. suitable for SWF		



#4. MUNICIPAL ORDINANCE





SUMMARY OF SUGGESTIONS FOR MUNICIPALITIES TO CONSIDER

Municipalities Can Influence Wired & Wireless Service Performance

- Municipal gain option is a key business opportunity
- Licensing use of municipal infrastructure requires a business plan
- Anticipate New Land Use, Environmental and Public Safety Issues
 - Small Cell Wireless Facilities create much different impacts than towers
- Anticipate Public Concerns with 5G Wireless Service
 - Address public safety and validate FCC radio frequency exposure standards
 - Public education is a critical element to the success of improved telecommunication services.

QUESTIONS OR COMMENTS?

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More information can be found at: <u>https://westcog.org/regional-planning/wireless/</u> In-depth webinar: <u>https://www.youtube.com/watch?v=HuqzFUnU2hs&feature=emb_title</u>