



MEMORANDUM

TO: Community Technology & Telecommunications Commission

FROM: Rondella Hawkins, Telecommunications and Regulatory Affairs Officer

DATE: September 6, 2018

SUBJECT: City of Austin Wireless Small Cell Permitting

The purpose of this memo is to provide an update on the progress being made in regard to the City's small cell permitting application process.

Background

The 85th Texas Legislature adopted new Chapter 284 of the Texas Local Government Code, effective September 1, 2017. The state law obligates Texas municipalities to permit the use of municipal right of way and municipal poles (includes, traffic signal poles, non-decorative light poles, sign poles, and City-owned electric distribution poles) for placement of wireless network equipment and poles for use by wireless network providers. The new state law restricts municipal authority to police power based public health, safety, and welfare, with a few allowances for municipal discretion over design and concealment elements as well as discretion on terms for attaching to municipally-owned electric distribution poles. The new state law also sets state-wide municipal fees for processing permits and collecting compensation for use of City right of way and poles. Further, the new law places permitting "shot clocks" on considering permits that if not processed by the time a "shot clock" runs out are deemed approved. Requests to attach to municipally owned electric distribution poles are excluded from the permit fee cap and review shot clock.

The demand is greatest in Austin's central business district where electric, water, natural gas, telecommunications, cable television, broadband, chilled water, and sewer services all compete for limited underground space in the congested public rights of way. A ten-plus-year public/private design partnership resulted in our Great Streets Program that includes the state capital and Austin's vibrant 6th Street district that supports our claim as the live music capital of the world.

Adding wireless small cell nodes and backhaul underground fiber in this area requires complex coordination among the existing utilities, vehicular and pedestrian traffic, as well as our downtown residents and businesses to ensure public safety and minimize disruption of daily life while preserving the aesthetics of these areas.

In May 2018, City staff implemented a compressed timeline for application reviews from the SB 1004 review limits of 30 days for completeness check, 60 days for first review, and 90 days for review of resubmissions (30/60/90), to an internal review schedule of 10 days for completeness, 20 days for first review, and 10 days for review of resubmissions, (10/20/10). Shortening the review limits has improved response times to carriers while increasing the number of small cell applications that are approved.

Other actions have included in depth meetings with each of the wireless providers to hear their concerns and schedule monthly meetings with each applicant's engineering team and the City's application reviewers to bring their applications into compliance with the goal of improving the approval rate of permit applications. The first review meeting was held August 22, 2018 and as of today, the City has met with all of the applicants which resulted in approved applications.

City staff conducted site visits with our counterparts in Dallas, Houston and San Antonio to identify best practices on small cell deployment. We also conducted an extended workshop with the city staff members who process the applications to discuss the information provided by industry and the city staff in Dallas, Houston and San Antonio.

For longer term improvements, the City's corporate quality services team in cooperation with an interdepartmental working group has been looking at:

- Process requirements and sequencing,
- Process communications and transparency,
- Amendments to Administrative rules and regulations, and
- Design standards and criteria.

TARA will hire a Small Cell Project Manager, contingent upon funding approval by City Council in the FY19 budget, to oversee and continue improving our interdepartmental application review and approval processes and work with industry.

We extended the contract with technical and engineering consultant, Aero Solutions who works with departments and carriers to develop expanded design guidelines for pole attachments and new pole installations that will accommodate the carriers' differing equipment specifications. Currently the City's only adopted design standards are for traffic signal pole attachments. Aero deliverables include new design guidelines for:

- Self-supporting node poles (decorative and standard design);
- Street light replacement poles;
- Traffic signal replacement poles; and
- Ground furniture design and placement.

In addition to the design guidelines being developed, Public Works is finalizing the proposed standards for micro-trenching in the various city districts to reduce the need for extensive street trenching to install backhaul fiber for the small cells. Micro-trenching will greatly reduce the small cell application review time, since the relatively shallow and narrow micro-trenching street cuts will be well above the other underground utilities.

Summary

Austin's wireless carriers intend to install about 1,000 small cells over the next two years. The City's goal is to have a long-term process that will meet our 10/20/10 timeline as the number of new applications increases while also consolidating application design profiles that will meet departmental criteria in a design plan template that can be handled by a smaller number of dedicated reviewers under a professional small cell project manager. The ongoing communications between reviewers and applicants has resulted in more accurate and complete applications being submitted which reduces the amount of time in review cycles.

The City of Austin values the collaborative and cooperative approach to wireless facility siting. Small cell wireless deployment and coverage, while never as fast as preferred by wireless providers, is nevertheless proceeding at an increasing pace while protecting public safety, traffic control, the environment, our historic neighborhoods, and public rights-of-way users in the affected areas. The City is committed to allocating the resources to make this happen.

The status of small cell permits as of September 6, 2018 is as follows:

30	Total Nodes Currently in Review by City
50	Total Nodes pending Carrier revisions
3	Active Nodes
21	Approved Small Cell Permits

The City has made significant process improvements to respond to the increasing volume of carrier applications to install wireless infrastructure in the City's Right of Way and other City assets. These process improvements will allow the City to meet the legislative mandate on small cell installations in public rights of way and to ensure that our community has the infrastructure in place to accommodate emerging wireless technologies and set the stage for the deployment of 5G wireless services.

If you have any questions please feel free to contact me at 512.974.2422.



Rondella Hawkins, Telecommunications & Regulatory Affairs Officer