

REFERENCE TITLE: wireless facilities; collocation; rights-of-way

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2365

Introduced by
Representative Weninger: Senator Smith

AN ACT

AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 13;
RELATING TO WIRELESS SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 11, Arizona Revised Statutes, is amended by adding
3 chapter 13, to read:

4 CHAPTER 13

5 WIRELESS FACILITIES

6 ARTICLE 1. GENERAL PROVISIONS

7 11-1801. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR
10 RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN
11 PROVIDING WIRELESS SERVICES.

12 2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL,
13 PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL
14 CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED
15 SOLELY TO ADDRESS IMMINENT THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO
16 PERSONS AND TO AN EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.

17 3. "APPLICANT" MEANS ANY PERSON THAT SUBMITS AN APPLICATION AND IS
18 A WIRELESS PROVIDER.

19 4. "APPLICATION" MEANS A REQUEST THAT IS SUBMITTED BY AN APPLICANT
20 TO AN AUTHORITY FOR A PERMIT TO A COLLOCATE SMALL WIRELESS FACILITIES OR
21 TO APPROVE THE INSTALLATION OR MODIFICATION OF A UTILITY POLE OR WIRELESS
22 SUPPORT STRUCTURE.

23 5. "AUTHORITY" MEANS ANY CITY, TOWN, COUNTY, SPECIAL DISTRICT OR
24 POLITICAL SUBDIVISION OF THIS STATE OR ANY CITY, TOWN OR COUNTY THAT IS
25 AUTHORIZED TO MAKE LEGISLATIVE, QUASI-JUDICIAL OR ADMINISTRATIVE DECISIONS
26 CONCERNING AN APPLICATION. AUTHORITY DOES NOT INCLUDE ANY STATE COURT
27 THAT HAS JURISDICTION OVER AN AUTHORITY.

28 6. "AUTHORITY POLE" MEANS:

29 (a) A UTILITY POLE, OTHER THAN A UTILITY POLE FOR DESIGNATED
30 SERVICES, THAT IS OWNED OR OPERATED BY AN AUTHORITY AND THAT IS IN A
31 RIGHT-OF-WAY, INCLUDING A UTILITY POLE THAT PROVIDES LIGHTING OR TRAFFIC
32 CONTROL FUNCTIONS SUCH AS LIGHT POLES, TRAFFIC SIGNALS AND STRUCTURES FOR
33 SIGNAGE.

34 (b) A POLE OR SIMILAR STRUCTURE THAT IS OWNED OR OPERATED BY AN
35 AUTHORITY, THAT IS IN A RIGHT-OF-WAY AND THAT SUPPORTS ONLY WIRELESS
36 FACILITIES.

37 7. "BASE STATION" MEANS WIRELESS FACILITIES OR A WIRELESS SUPPORT
38 STRUCTURE OR UTILITY POLE THAT CURRENTLY SUPPORTS WIRELESS FACILITIES.
39 BASE STATION DOES NOT INCLUDE A TOWER AS DEFINED IN 47 CODE OF FEDERAL
40 REGULATIONS SECTION 1.40001(b)(9) OR ASSOCIATED WIRELESS FACILITIES.

41 8. "COLLOCATE" OR "COLLOCATION" MEANS TO INSTALL, MOUNT, MAINTAIN,
42 MODIFY, OPERATE OR REPLACE WIRELESS FACILITIES ON OR ADJACENT TO A
43 WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.

44 9. "COMMUNICATIONS SERVICE PROVIDER" MEANS A CABLE OPERATOR AS
45 DEFINED IN 47 UNITED STATES CODE SECTION 522(5), A PROVIDER OF INFORMATION
46 SERVICE AS DEFINED IN 47 UNITED STATES CODE SECTION 153(24), A

1 TELECOMMUNICATIONS CARRIER AS DEFINED IN 47 UNITED STATES CODE
2 SECTION 153(51) OR A WIRELESS PROVIDER.

3 10. "FEE" MEANS A ONE-TIME CHARGE.

4 11. "LAW" MEANS ANY FEDERAL, STATE OR LOCAL LAW, STATUTE, COMMON
5 LAW, CODE, RULE, REGULATION, ORDER OR ORDINANCE.

6 12. "PERMIT" MEANS A WRITTEN AUTHORIZATION REQUIRED BY AN AUTHORITY
7 TO PERFORM AN ACTION OR INITIATE, CONTINUE OR COMPLETE A PROJECT.

8 13. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
9 COMPANY, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY OR ORGANIZATION,
10 INCLUDING AN AUTHORITY.

11 14. "RATE" MEANS A RECURRING CHARGE.

12 15. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A PUBLIC
13 ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY, UTILITY EASEMENT OR SIMILAR
14 PROPERTY. RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY.

15 16. "SMALL WIRELESS FACILITY" MEANS A WIRELESS FACILITY THAT MEETS
16 BOTH OF THE FOLLOWING QUALIFICATIONS:

17 (a) EACH ANTENNA IS LOCATED INSIDE AN ENCLOSURE OF NOT MORE THAN
18 SIX CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED
19 ELEMENTS, THE ANTENNA AND ALL OF THE ANTENNA'S EXPOSED ELEMENTS COULD FIT
20 WITHIN AN IMAGINARY ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME.

21 (b) ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS
22 CUMULATIVELY NOT MORE THAN TWENTY-EIGHT CUBIC FEET IN VOLUME. THE
23 FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE
24 CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:

25 (i) AN ELECTRIC METER.

26 (ii) CONCEALMENT ELEMENTS.

27 (iii) A TELECOMMUNICATIONS DEMARCATION BOX.

28 (iv) GROUND-BASED ENCLOSURES.

29 (v) GROUNDING EQUIPMENT.

30 (vi) A POWER TRANSFER SWITCH.

31 (vii) A CUT-OFF SWITCH.

32 (viii) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER
33 SERVICES.

34 17. "SUBSTANTIAL MODIFICATION" MEANS A PROPOSED MODIFICATION TO AN
35 EXISTING WIRELESS SUPPORT STRUCTURE OR BASE STATION THAT WILL
36 SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE WIRELESS SUPPORT
37 STRUCTURE OR BASE STATION UNDER THE OBJECTIVE STANDARD FOR SUBSTANTIAL
38 CHANGE ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION PURSUANT TO 47
39 CODE OF FEDERAL REGULATIONS SECTION 1.40001.

40 18. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED
41 IN WHOLE OR IN PART BY A COMMUNICATIONS SERVICE PROVIDER OR FOR ELECTRIC
42 DISTRIBUTION, LIGHTING, TRAFFIC CONTROL OR SIGNAGE OR A SIMILAR FUNCTION.
43 UTILITY POLE DOES NOT INCLUDE STRUCTURES SUPPORTING ONLY WIRELESS
44 FACILITIES.

45 19. "UTILITY POLE FOR DESIGNATED SERVICES" MEANS A UTILITY POLE IN
46 A RIGHT-OF-WAY THAT IS OWNED OR OPERATED BY AN AUTHORITY, PUBLIC UTILITY

1 DISTRICT, ELECTRIC MEMBERSHIP CORPORATION OR RURAL ELECTRIC COOPERATIVE
2 AND THAT IS DESIGNED TO CARRY, OR USED IN WHOLE OR IN PART FOR THE PURPOSE
3 OF CARRYING, ELECTRIC DISTRIBUTION LINES OR CABLES OR WIRES FOR
4 TELECOMMUNICATIONS, CABLE OR ELECTRIC SERVICE.

5 20. "WIRELESS FACILITY":

6 (a) MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS
7 COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK,
8 INCLUDING BOTH OF THE FOLLOWING:

9 (i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

10 (ii) RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES,
11 REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF
12 TECHNOLOGICAL CONFIGURATION.

13 (b) INCLUDES SMALL WIRELESS FACILITIES.

14 (c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR
15 WITHIN WHICH THE EQUIPMENT IS COLLOCATED.

16 21. "WIRELESS INFRASTRUCTURE PROVIDER" MEANS ANY PERSON, INCLUDING
17 A PERSON THAT IS AUTHORIZED TO PROVIDE TELECOMMUNICATIONS SERVICE IN THIS
18 STATE, THAT BUILDS OR INSTALLS WIRELESS COMMUNICATIONS TRANSMISSION
19 EQUIPMENT, WIRELESS FACILITIES OR WIRELESS SUPPORT STRUCTURES BUT THAT IS
20 NOT A WIRELESS SERVICES PROVIDER.

21 22. "WIRELESS PROVIDER" MEANS A WIRELESS INFRASTRUCTURE PROVIDER OR
22 A WIRELESS SERVICES PROVIDER.

23 23. "WIRELESS SERVICES" MEANS ANY SERVICES, WHETHER AT A FIXED
24 LOCATION OR MOBILE, THAT ARE PROVIDED USING WIRELESS FACILITIES.

25 24. "WIRELESS SERVICES PROVIDER" MEANS A PERSON THAT PROVIDES
26 WIRELESS SERVICES.

27 25. "WIRELESS SUPPORT STRUCTURE":

28 (a) MEANS:

29 (i) A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.

30 (ii) A TOWER, EITHER GUYED OR SELF-SUPPORTING.

31 (iii) A BILLBOARD.

32 (iv) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT
33 OR CAPABLE OF SUPPORTING WIRELESS FACILITIES.

34 (b) DOES NOT INCLUDE A UTILITY POLE.

35 11-1802. Applicability; wireless provider; use of
36 right-of-way; rates and fees; right to access;
37 damage and repair of the right-of-way

38 A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER
39 WITHIN A RIGHT-OF-WAY.

40 B. AN AUTHORITY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH
41 ANY PERSON FOR USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION,
42 MARKETING OR MAINTENANCE OF WIRELESS FACILITIES OR WIRELESS SUPPORT
43 STRUCTURES OR THE COLLOCATION OF SMALL WIRELESS FACILITIES.

44 C. AN AUTHORITY MAY CHARGE A WIRELESS PROVIDER A RATE OR FEE FOR
45 THE USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION, INSTALLATION, MOUNTING,
46 MAINTENANCE, MODIFICATION, OPERATION OR REPLACEMENT OF A WIRELESS FACILITY

1 OR WIRELESS SUPPORT STRUCTURE IN THE RIGHT-OF-WAY, INCLUDING COLLOCATION
2 IN THE RIGHT-OF-WAY, ONLY IF THE AUTHORITY CHARGES OTHER COMMUNICATIONS
3 SERVICE PROVIDERS OR PUBLICLY, COOPERATIVELY OR MUNICIPALLY OWNED
4 UTILITIES FOR THE USE OF THE RIGHT-OF-WAY. IF AN AUTHORITY CHARGES A RATE
5 OR FEE PURSUANT TO THIS SECTION, THE RATE OR FEE FOR A WIRELESS PROVIDER
6 MUST BE:

7 1. LIMITED TO NOT MORE THAN THE DIRECT AND ACTUAL COST OF MANAGING
8 THE RIGHT-OF-WAY.

9 2. COMPETITIVELY NEUTRAL IN REGARD TO OTHER USERS OF THE
10 RIGHT-OF-WAY, INCLUDING INVESTOR, AUTHORITY OR COOPERATIVELY OWNED
11 ENTITIES.

12 D. A RATE OR FEE CHARGED PURSUANT TO THIS SECTION MAY NOT DO ANY OF
13 THE FOLLOWING:

14 1. RESULT IN A DOUBLE RECOVERY WHERE EXISTING RATES, FEES OR TAXES
15 ALREADY RECOVER THE DIRECT AND ACTUAL COSTS OF MANAGING A RIGHT-OF-WAY.

16 2. BE IN THE FORM OF A FRANCHISE OR OTHER FEE BASED ON REVENUE OR
17 CUSTOMER COUNTS.

18 3. BE UNREASONABLE OR DISCRIMINATORY.

19 4. VIOLATE ANY APPLICABLE LAW.

20 5. EXCEED AN ANNUAL AMOUNT EQUAL TO TWENTY DOLLARS TIMES THE NUMBER
21 OF UTILITY POLES OR WIRELESS SUPPORT STRUCTURES IN THE AUTHORITY'S
22 GEOGRAPHIC JURISDICTION ON WHICH THE WIRELESS PROVIDER HAS COLLOCATED A
23 SMALL WIRELESS FACILITY ANTENNA.

24 E. IN RECOGNITION OF THE PUBLIC BENEFITS OF THE DEPLOYMENT OF
25 WIRELESS SERVICES, AN AUTHORITY, ON A NONDISCRIMINATORY BASIS, MAY REFRAIN
26 FROM CHARGING ANY RATE OR FEE TO A WIRELESS PROVIDER FOR THE USE OF THE
27 RIGHT-OF-WAY.

28 F. IF AN AUTHORITY HAS AN EXISTING RATE OR FEE TO CONSTRUCT,
29 INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE A WIRELESS FACILITY
30 OR WIRELESS SUPPORT STRUCTURE IN A RIGHT-OF-WAY CONTROLLED BY THE
31 AUTHORITY, INCLUDING COLLOCATION IN THE RIGHT-OF-WAY, AND THE RATE OR FEE
32 DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION, NOT LATER THAN SIX
33 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY SHALL RESET
34 THE RATE OR FEE IN COMPLIANCE WITH THIS SECTION FOR ALL AFFECTED PERSONS.

35 G. SUBJECT TO THIS SECTION AND THE APPROVAL OF AN APPLICATION, IF
36 REQUIRED, A WIRELESS PROVIDER SHALL HAVE THE RIGHT, AS A PERMITTED USE
37 THAT IS NOT SUBJECT TO ZONING REVIEW OR APPROVAL, TO COLLOCATE WIRELESS
38 FACILITIES AND CONSTRUCT, MODIFY, MAINTAIN AND OPERATE UTILITY POLES,
39 WIRELESS SUPPORT STRUCTURES, CONDUIT, CABLE AND RELATED APPURTENANCES AND
40 FACILITIES ALONG, ACROSS, ON AND UNDER THE RIGHT-OF-WAY. SUCH STRUCTURES
41 AND FACILITIES SHALL BE CONSTRUCTED AND MAINTAINED AS TO NOT OBSTRUCT OR
42 HINDER THE USUAL TRAVEL OR PUBLIC SAFETY ON THE RIGHT-OF-WAY OR OBSTRUCT
43 THE LEGAL USE OF THE RIGHT-OF-WAY BY OTHER UTILITIES. EACH NEW OR
44 MODIFIED UTILITY POLE AND WIRELESS SUPPORT STRUCTURE INSTALLED IN THE
45 RIGHT-OF-WAY MAY NOT EXCEED THE GREATER OF TEN FEET IN HEIGHT ABOVE THE
46 TALLEST EXISTING UTILITY POLE THAT IS IN PLACE AS OF THE EFFECTIVE DATE OF

1 THIS SECTION, THAT IS LOCATED WITHIN FIVE HUNDRED FEET OF THE NEW UTILITY
2 POLE AND THAT IS IN THE SAME RIGHT-OF-WAY OR FIFTY FEET ABOVE GROUND
3 LEVEL. NEW WIRELESS FACILITIES IN THE RIGHT-OF-WAY MAY NOT EXTEND MORE
4 THAN TEN FEET ABOVE AN EXISTING UTILITY POLE OR WIRELESS SUPPORT STRUCTURE
5 IN PLACE AS OF THE EFFECTIVE DATE OF THIS SECTION OR ABOVE THE HEIGHT
6 PERMITTED FOR A NEW UTILITY POLE OR WIRELESS SUPPORT STRUCTURE UNDER THIS
7 SECTION.

8 H. NOTWITHSTANDING SUBSECTION G OF THIS SECTION:

9 1. A WIRELESS PROVIDER HAS THE RIGHT TO CONSTRUCT, MODIFY AND
10 MAINTAIN A UTILITY POLE, WIRELESS SUPPORT STRUCTURE OR WIRELESS FACILITY
11 THAT EXCEEDS THE SIZE LIMITS PROVIDED IN SUBSECTION G OF THIS SECTION
12 ALONG, ACROSS, ON AND UNDER A RIGHT-OF-WAY, SUBJECT TO APPLICABLE ZONING
13 REGULATIONS.

14 2. APPLICANTS SHALL COMPLY WITH NONDISCRIMINATORY UNDERGROUNDING
15 REQUIREMENTS THAT PROHIBIT COMMUNICATIONS SERVICE PROVIDERS FROM
16 INSTALLING STRUCTURES IN A RIGHT-OF-WAY WITHOUT PRIOR ZONING APPROVAL IN
17 AREAS THAT ARE ZONED FOR SINGLE-FAMILY RESIDENTIAL USE, IF THE
18 REQUIREMENTS DO NOT PROHIBIT THE REPLACEMENT OF EXISTING STRUCTURES.

19 I. AN AUTHORITY MUST BE COMPETITIVELY NEUTRAL IN REGARD TO OTHER
20 USERS OF A RIGHT-OF-WAY IN THE ADMINISTRATION AND REGULATION RELATED TO
21 THE MANAGEMENT OF THE RIGHT-OF-WAY, INCLUDING THAT TERMS MAY NOT BE
22 UNREASONABLE OR DISCRIMINATORY AND MAY NOT VIOLATE ANY APPLICABLE LAW.

23 J. AN AUTHORITY MAY REQUIRE A WIRELESS PROVIDER TO REPAIR ALL
24 DAMAGE TO A RIGHT-OF WAY THAT IS DIRECTLY CAUSED BY THE ACTIVITIES OF THE
25 WIRELESS PROVIDER WHILE OCCUPYING, INSTALLING, REPAIRING OR MAINTAINING
26 WIRELESS FACILITIES, WIRELESS SUPPORT STRUCTURES OR UTILITY POLES IN THE
27 RIGHT-OF-WAY AND TO RETURN THE RIGHT-OF-WAY TO THE RIGHT-OF-WAY'S
28 FUNCTIONAL EQUIVALENCE BEFORE THE DAMAGE PURSUANT TO THE COMPETITIVELY
29 NEUTRAL, REASONABLE REQUIREMENTS AND SPECIFICATIONS OF THE AUTHORITY. IF
30 THE WIRELESS PROVIDER FAILS TO MAKE THE REPAIRS REQUIRED BY THE AUTHORITY
31 WITHIN A REASONABLE TIME AFTER WRITTEN NOTICE, THE AUTHORITY MAY MAKE THE
32 REPAIRS AND CHARGE THE APPLICABLE PARTY THE REASONABLE, DOCUMENTED COST OF
33 THE REPAIRS.

34 11-1803. Applicability; collocation of small wireless
35 facilities; permits; application; fee; application
36 fee limitations

37 A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER
38 WITHIN OR OUTSIDE OF A RIGHT-OF-WAY.

39 B. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 11-1802, 11-1804
40 AND 11-1805, AN AUTHORITY MAY NOT PROHIBIT, REGULATE OR CHARGE FOR THE
41 COLLOCATION OF SMALL WIRELESS FACILITIES.

42 C. A SMALL WIRELESS FACILITY IS CLASSIFIED AS A PERMITTED USE AND
43 IS NOT SUBJECT TO ZONING REVIEW OR APPROVAL IF THE SMALL WIRELESS FACILITY
44 IS COLLOCATED IN A RIGHT-OF-WAY IN ANY ZONE OR OUTSIDE OF A RIGHT-OF-WAY
45 IN PROPERTY THAT IS NOT ZONED EXCLUSIVELY FOR SINGLE-FAMILY RESIDENTIAL
46 USE.

1 D. AN AUTHORITY MAY REQUIRE AN APPLICANT TO OBTAIN ONE OR MORE
2 PERMITS TO COLLOCATE A SMALL WIRELESS FACILITY IF THE PERMIT REQUIREMENT
3 IS OF GENERAL APPLICABILITY AND DOES NOT APPLY EXCLUSIVELY TO WIRELESS
4 FACILITIES. AN APPLICANT SEEKING TO COLLOCATE MULTIPLE SMALL WIRELESS
5 FACILITIES WITHIN THE JURISDICTION OF A SINGLE AUTHORITY MAY FILE A
6 CONSOLIDATED APPLICATION AND RECEIVE A SINGLE PERMIT FOR THE COLLOCATION
7 OF MULTIPLE SMALL WIRELESS FACILITIES.

8 E. AN AUTHORITY SHALL:

9 1. ACCEPT APPLICATIONS FOR, PROCESS AND ISSUE PERMITS TO COLLOCATE
10 A SMALL WIRELESS FACILITY.

11 2. WITHIN TEN DAYS AFTER RECEIVING AN APPLICATION, DETERMINE AND
12 NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE. IF AN
13 APPLICATION IS INCOMPLETE, THE AUTHORITY MUST SPECIFICALLY IDENTIFY THE
14 INFORMATION MISSING FROM THE APPLICATION.

15 3. PROCESS EACH APPLICATION ON A NONDISCRIMINATORY BASIS. AN
16 APPLICATION IS DEEMED APPROVED IF THE AUTHORITY FAILS TO APPROVE OR DENY
17 THE APPLICATION WITHIN SIXTY DAYS AFTER RECEIVING THE APPLICATION.

18 4. APPROVE AN APPLICATION UNLESS THE APPLICATION DOES NOT MEET THE
19 APPLICABLE CODES.

20 5. IF AN APPLICATION IS DENIED, DOCUMENT THE BASIS FOR A DENIAL,
21 INCLUDING THE SPECIFIC CODE PROVISIONS ON WHICH THE DENIAL WAS BASED, AND
22 SEND THE DOCUMENTATION TO THE APPLICANT ON OR BEFORE THE DATE THAT THE
23 APPLICATION IS DENIED. THE APPLICANT MAY CURE THE DEFICIENCIES IDENTIFIED
24 BY THE AUTHORITY AND RESUBMIT THE APPLICATION WITHIN THIRTY DAYS AFTER THE
25 DENIAL WITHOUT PAYING AN ADDITIONAL APPLICATION FEE. THE AUTHORITY SHALL
26 APPROVE OR DENY THE REVISED APPLICATION WITHIN THIRTY DAYS AFTER RECEIVING
27 THE REVISED APPLICATION. ANY SUBSEQUENT REVIEW IS LIMITED TO THE
28 DEFICIENCIES CITED IN THE DENIAL.

29 F. AN AUTHORITY MAY NOT:

30 1. DIRECTLY OR INDIRECTLY REQUIRE AN APPLICANT TO PERFORM SERVICES
31 THAT ARE UNRELATED TO THE COLLOCATION FOR WHICH APPROVAL IS SOUGHT, SUCH
32 AS IN-KIND CONTRIBUTIONS TO THE AUTHORITY, INCLUDING RESERVING FIBER,
33 CONDUIT OR POLE SPACE FOR THE AUTHORITY.

34 2. REQUIRE AN APPLICANT TO PROVIDE MORE INFORMATION TO OBTAIN A
35 PERMIT THAN THE AUTHORITY REQUIRES OF A COMMUNICATIONS SERVICE PROVIDER
36 THAT IS NOT A WIRELESS PROVIDER.

37 3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
38 RECEIVING OR PROCESSING APPLICATIONS OR ISSUING PERMITS OR OTHER
39 APPROVALS, IF ANY, FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY.

40 4. REQUIRE AN APPLICATION FOR ROUTINE MAINTENANCE OR THE
41 REPLACEMENT OF WIRELESS FACILITIES WITH WIRELESS FACILITIES THAT ARE
42 SUBSTANTIALLY SIMILAR OR THE SAME SIZE OR SMALLER. AN AUTHORITY MAY
43 REQUIRE A PERMIT TO WORK WITHIN A RIGHT-OF-WAY FOR SUCH ACTIVITIES, IF
44 APPLICABLE. A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH IS SUBJECT TO THE
45 REQUIREMENTS OF THIS SECTION.

1 G. COLLOCATION FOR WHICH A PERMIT IS GRANTED SHALL BEGIN WITHIN ONE
2 YEAR AFTER THE APPROVAL DATE AND BE PURSUED TO COMPLETION. ANY TIME
3 LIMITATION PLACED ON A PERMIT IS VOID UNLESS THE APPLICANT SUBSEQUENTLY
4 AND VOLUNTARILY REQUESTS THAT THE PERMIT BE TERMINATED.

5 H. AN AUTHORITY MAY CHARGE AN APPLICATION FEE ONLY IF AN
6 APPLICATION FEE IS REQUIRED FOR SIMILAR TYPES OF COMMERCIAL DEVELOPMENT
7 WITHIN THE AUTHORITY. AN APPLICATION FEE IS LIMITED TO THE ACTUAL, DIRECT
8 AND REASONABLE COSTS THAT ARE INCURRED BY THE AUTHORITY AND THAT RELATE TO
9 THE GRANTING OR PROCESSING OF AN APPLICATION. AN APPLICATION FEE SHALL BE
10 REASONABLY RELATED IN TIME TO THE INCURRING OF SUCH COSTS. IF SUCH COSTS
11 ARE ALREADY RECOVERED BY EXISTING FEES, RATES OR TAXES THAT ARE PAID BY A
12 WIRELESS PROVIDER, AN AUTHORITY MAY NOT CHARGE AN APPLICATION FEE TO
13 RECOVER SUCH COSTS. AN APPLICATION FEE MAY NOT INCLUDE:

14 1. THIRD-PARTY TRAVEL EXPENSES THAT ARE INCURRED TO REVIEW AN
15 APPLICATION.

16 2. THE DIRECT PAYMENT OR REIMBURSEMENT OF THIRD-PARTY RATES OR FEES
17 THAT ARE CHARGED ON A CONTINGENCY BASIS OR PURSUANT TO A RESULT-BASED
18 ARRANGEMENT.

19 I. THE TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED THE LESSER
20 OF THE AMOUNT CHARGED BY THE AUTHORITY FOR A BUILDING PERMIT FOR ANY
21 SIMILAR COMMERCIAL CONSTRUCTION, ACTIVITY OR LAND USE DEVELOPMENT OR ONE
22 HUNDRED DOLLARS EACH FOR UP TO FIVE SMALL WIRELESS FACILITIES ADDRESSED IN
23 AN APPLICATION AND FIFTY DOLLARS FOR EACH ADDITIONAL SMALL WIRELESS
24 FACILITY ADDRESSED IN THE APPLICATION.

25 J. IN ANY CONTROVERSY CONCERNING THE APPROPRIATENESS OF AN
26 APPLICATION FEE, THE AUTHORITY HAS THE BURDEN OF PROOF THAT THE
27 APPLICATION FEE IS REASONABLY RELATED TO THE ACTUAL, DIRECT AND REASONABLE
28 COSTS INCURRED BY THE AUTHORITY.

29 11-1804. Applicability; structures subject to zoning; time
30 frames; application; fees

31 A. THIS SECTION APPLIES TO THE FOLLOWING:

32 1. ZONING REVIEWS FOR:

33 (a) A SUBSTANTIAL MODIFICATION OUTSIDE OF A RIGHT-OF-WAY.

34 (b) THE MODIFICATION OF EXISTING OR THE INSTALLATION OF NEW
35 WIRELESS SUPPORT STRUCTURES, UTILITY POLES AND WIRELESS FACILITIES THAT
36 ARE SUBJECT TO ZONING REVIEW AND APPROVAL AND NOT A PERMITTED USE UNDER
37 SECTION 11-1802, SUBSECTIONS G AND H OR SECTION 11-1803, SUBSECTION C.

38 2. ACTIVITIES OF THE WIRELESS PROVIDER WITHIN OR OUTSIDE OF A
39 RIGHT-OF-WAY.

40 B. AN AUTHORITY SHALL:

41 1. ACCEPT AND PROCESS APPLICATIONS FOR A SUBSTANTIAL MODIFICATION
42 OUTSIDE OF A RIGHT-OF-WAY OR THE MODIFICATION OF EXISTING OR THE
43 INSTALLATION OF NEW WIRELESS SUPPORT STRUCTURES, UTILITY POLES OR WIRELESS
44 FACILITIES.

45 2. WITHIN THIRTY DAYS AFTER RECEIVING AN APPLICATION, NOTIFY THE
46 APPLICANT WHETHER THE APPLICATION IS COMPLETE. IF AN APPLICATION IS

1 INCOMPLETE, THE AUTHORITY MUST SPECIFICALLY IDENTIFY THE INFORMATION
2 MISSING FROM THE APPLICATION.

3 3. PROCESS EACH APPLICATION ON A NONDISCRIMINATORY BASIS. AN
4 APPLICATION IS DEEMED APPROVED IF THE AUTHORITY FAILS TO APPROVE OR DENY
5 THE APPLICATION WITHIN ONE HUNDRED FIFTY CALENDAR DAYS AFTER RECEIPT OF AN
6 APPLICATION FOR THE MODIFICATION OF EXISTING OR THE INSTALLATION OF NEW
7 WIRELESS SUPPORT STRUCTURES, UTILITY POLES OR WIRELESS FACILITIES OR
8 WITHIN NINETY CALENDAR DAYS AFTER RECEIPT OF AN APPLICATION FOR A
9 SUBSTANTIAL MODIFICATION. THE TIME PERIOD FOR APPROVAL MAY BE TOLLED TO
10 ACCOMMODATE TIMELY REQUESTS FOR INFORMATION REQUIRED TO COMPLETE THE
11 APPLICATION OR MAY BE EXTENDED BY MUTUAL AGREEMENT BETWEEN THE APPLICANT
12 AND AUTHORITY.

13 4. IF AN APPLICATION IS DENIED, NOTIFY THE APPLICANT IN WRITING AND
14 PROVIDE SUBSTANTIAL SUPPORTING EVIDENCE IN THE WRITTEN RECORD. THE
15 WRITTEN NOTIFICATION OF THE DENIAL AND THE SUPPORTING EVIDENCE SHALL BE
16 PUBLICLY RELEASED CONTEMPORANEOUSLY. IF AN APPLICATION IS DENIED, THERE
17 MUST BE A REASONABLE BASIS FOR THE DENIAL. AN AUTHORITY MAY NOT DENY AN
18 APPLICATION IF THE DENIAL IS DISCRIMINATORY AGAINST THE APPLICANT WITH
19 RESPECT TO THE PLACEMENT OF THE FACILITIES OF OTHER WIRELESS PROVIDERS.

20 C. AN AUTHORITY MAY NOT:

21 1. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT THE APPLICANT'S
22 BUSINESS DECISIONS REGARDING THE NEED FOR THE WIRELESS SUPPORT STRUCTURE,
23 UTILITY POLE OR WIRELESS FACILITIES.

24 2. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT, OR EVALUATE AN
25 APPLICANT'S BUSINESS DECISIONS REGARDING THE APPLICANT'S SERVICE, CUSTOMER
26 DEMAND FOR SERVICE OR QUALITY OF SERVICE.

27 3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
28 RECEIVING OR PROCESSING APPLICATIONS OR ISSUING APPROVALS FOR SUBSTANTIAL
29 MODIFICATIONS OR INSTALLATIONS THAT ARE NOT A PERMITTED USE.

30 D. AN AUTHORITY MAY:

31 1. ADOPT REASONABLE REQUIREMENTS REGARDING THE APPEARANCE OF
32 FACILITIES, INCLUDING THOSE RELATING TO MATERIALS USED OR ARRANGING,
33 SCREENING OR LANDSCAPING.

34 2. ADOPT SETBACK OR FALL ZONE REQUIREMENTS THAT ARE SUBSTANTIALLY
35 SIMILAR TO A SETBACK OR FALL ZONE REQUIREMENT THAT IS IMPOSED ON OTHER
36 TYPES OF COMMERCIAL STRUCTURES OF A SIMILAR HEIGHT.

37 3. CHARGE AN APPLICATION FEE. ANY APPLICATION FEE IS SUBJECT TO
38 THE REQUIREMENTS PROVIDED IN SECTION 11-1803, SUBSECTIONS H AND J. THE
39 TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED THE LESSER OF THE AMOUNT
40 CHARGED BY THE AUTHORITY FOR A BUILDING PERMIT FOR ANY SIMILAR COMMERCIAL
41 CONSTRUCTION, ACTIVITY OR LAND USE DEVELOPMENT OR ONE THOUSAND DOLLARS FOR
42 THE MODIFICATION OF EXISTING OR THE INSTALLATION OF NEW WIRELESS SUPPORT
43 STRUCTURES, UTILITY POLES OR WIRELESS FACILITIES OR A SUBSTANTIAL
44 MODIFICATION OF A WIRELESS SUPPORT STRUCTURE.

45 E. AN APPLICANT'S BUSINESS DECISIONS REGARDING THE TYPE AND
46 LOCATION OF WIRELESS FACILITIES, WIRELESS SUPPORT STRUCTURES OR UTILITY

1 POLES OR THE TECHNOLOGY TO BE USED ARE PRESUMED TO BE REASONABLE. THIS
2 PRESUMPTION DOES NOT APPLY TO THE HEIGHT OF WIRELESS FACILITIES, WIRELESS
3 SUPPORT STRUCTURES OR UTILITY POLES. AN AUTHORITY MAY CONSIDER THE HEIGHT
4 OF SUCH STRUCTURES IN THE ZONING REVIEW, PROVIDED THAT IT DOES NOT
5 UNREASONABLY DISCRIMINATE BETWEEN THE APPLICANT AND OTHER COMMUNICATIONS
6 SERVICE PROVIDERS.

7 F. THE APPROVAL TERM OF AN APPLICATION DOES NOT EXPIRE, EXCEPT THAT
8 CONSTRUCTION OF THE APPROVED STRUCTURE OR FACILITIES SHALL BEGIN WITHIN
9 TWO YEARS AFTER FINAL APPROVAL AND BE DILIGENTLY PURSUED TO COMPLETION.

10 11-1805. Access to authority poles or utility poles for
11 designated services; rates and fees; collocations
12 for other commercial projects or uses

13 A. A PERSON THAT OWNS OR CONTROLS AUTHORITY POLES OR UTILITY POLES
14 FOR DESIGNATED SERVICES MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH
15 ANY PERSON FOR THE RIGHT TO ATTACH TO SUCH POLES.

16 B. THE RATES AND FEES FOR COLLOCATION ON AUTHORITY POLES OR UTILITY
17 POLES FOR DESIGNATED SERVICES SHALL BE NONDISCRIMINATORY REGARDLESS OF THE
18 SERVICES PROVIDED BY THE COLLOCATING PERSON.

19 C. THE RATE TO COLLOCATE ON UTILITY POLES FOR DESIGNATED SERVICES
20 MAY NOT EXCEED THE ANNUAL RECURRING RATE THAT WOULD BE PERMITTED UNDER
21 RULES ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION UNDER 47 UNITED
22 STATES CODE SECTION 224(e) IF THE RATES WERE REGULATED BY THE FEDERAL
23 COMMUNICATIONS COMMISSION OR TWENTY DOLLARS PER YEAR PER UTILITY POLE FOR
24 DESIGNATED SERVICES, WHICHEVER IS LESS.

25 D. THE RATE TO COLLOCATE ON AUTHORITY POLES SHALL RECOVER THE
26 ACTUAL, DIRECT AND REASONABLE COSTS RELATED TO THE APPLICANT'S APPLICATION
27 FOR AND USE OF SPACE ON THE AUTHORITY POLE. THE TOTAL ANNUAL RATE FOR
28 COLLOCATIONS AND ANY ACTIVITIES RELATED TO SUCH COLLOCATIONS MAY NOT
29 EXCEED THE LESSER OF THE ACTUAL, DIRECT AND REASONABLE COSTS RELATED TO
30 THE COLLOCATION ON THE AUTHORITY POLE OR TWENTY DOLLARS PER YEAR PER
31 AUTHORITY POLE. IN ANY CONTROVERSY CONCERNING THE APPROPRIATENESS OF A
32 RATE FOR AN AUTHORITY POLE, THE AUTHORITY HAS THE BURDEN OF PROVING THAT
33 THE RATES ARE REASONABLY RELATED TO THE ACTUAL, DIRECT AND REASONABLE
34 COSTS THAT ARE INCURRED FOR THE USE OF SPACE ON THE AUTHORITY POLE FOR THE
35 PERIOD.

36 E. IF AN AUTHORITY, MUNICIPALLY OWNED OR OPERATED PERSON, PUBLIC
37 UTILITY DISTRICT OR COOPERATIVE HAS AN EXISTING POLE ATTACHMENT RATE, FEE
38 OR OTHER TERM THAT DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION,
39 THE AUTHORITY, MUNICIPALLY OWNED OR OPERATED PERSON, PUBLIC UTILITY
40 DISTRICT OR COOPERATIVE SHALL CHANGE THE RATE, FEE OR TERM IN COMPLIANCE
41 WITH THIS SECTION NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF
42 THIS SECTION.

43 F. A PERSON THAT OWNS OR CONTROLS AUTHORITY POLES AND UTILITY POLES
44 FOR DESIGNATED SERVICES THAT ARE OWNED OR CONTROLLED BY AN AUTHORITY SHALL
45 ESTABLISH AND MAKE AVAILABLE RATES, FEES AND TERMS FOR THE COLLOCATION OF
46 SMALL WIRELESS FACILITIES ON SUCH POLES WITHIN THE LATER OF SIX MONTHS

1 AFTER THE EFFECTIVE DATE OF THIS SECTION OR THREE MONTHS AFTER RECEIVING A
2 REQUEST TO COLLOCATE THE FIRST SMALL WIRELESS FACILITY ON SUCH POLES. THE
3 RATES, FEES AND TERMS SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

4 1. THE RATES, FEES AND TERMS MUST BE NONDISCRIMINATORY,
5 COMPETITIVELY NEUTRAL AND COMMERCIALY REASONABLE AND COMPLY WITH THIS
6 SECTION.

7 2. FOR AUTHORITY POLES THAT SUPPORT AERIAL CABLES USED FOR VIDEO,
8 COMMUNICATIONS OR ELECTRIC SERVICE AND FOR UTILITY POLES FOR DESIGNATED
9 SERVICES, THE PARTIES SHALL COMPLY WITH THE PROCESS FOR MAKE-READY WORK
10 UNDER 47 UNITED STATES CODE SECTION 224 AND THE IMPLEMENTING REGULATIONS.
11 THE GOOD FAITH ESTIMATE OF THE PERSON THAT OWNS OR CONTROLS THE POLE FOR
12 ANY MAKE-READY WORK NECESSARY TO ENABLE THE POLE TO SUPPORT THE REQUESTED
13 COLLOCATION SHALL INCLUDE POLE REPLACEMENT, IF NECESSARY.

14 3. FOR AUTHORITY POLES THAT DO NOT SUPPORT AERIAL CABLES USED FOR
15 VIDEO, COMMUNICATIONS OR ELECTRIC SERVICE, THE AUTHORITY SHALL PROVIDE A
16 GOOD FAITH ESTIMATE FOR ANY MAKE-READY WORK NECESSARY TO ENABLE THE POLE
17 TO SUPPORT THE REQUESTED COLLOCATION, INCLUDING POLE REPLACEMENT, IF
18 NECESSARY, WITHIN SIXTY DAYS AFTER RECEIVING A COMPLETE APPLICATION.
19 MAKE-READY WORK, INCLUDING ANY POLE REPLACEMENT, SHALL BE COMPLETED WITHIN
20 SIXTY DAYS AFTER THE WRITTEN ACCEPTANCE OF THE GOOD FAITH ESTIMATE BY THE
21 APPLICANT.

22 4. THE PERSON THAT OWNS OR CONTROLS THE AUTHORITY POLE OR UTILITY
23 POLE FOR DESIGNATED SERVICES MAY NOT REQUIRE MORE MAKE-READY WORK THAN IS
24 REQUIRED TO MEET THE REQUIREMENTS OF APPLICABLE CODES OR INDUSTRY
25 STANDARDS. FEES FOR MAKE-READY WORK MAY NOT INCLUDE COSTS RELATED TO
26 PREEXISTING OR PRIOR DAMAGE OR NONCOMPLIANCE. FEES FOR MAKE-READY WORK,
27 INCLUDING ANY POLE REPLACEMENT, MAY NOT EXCEED ACTUAL COSTS OR THE AMOUNT
28 CHARGED TO OTHER COMMUNICATIONS SERVICE PROVIDERS FOR SIMILAR WORK AND MAY
29 NOT INCLUDE ANY CONSULTANT FEES OR EXPENSES.

30 G. AN AUTHORITY SHALL AUTHORIZE THE COLLOCATION OF SMALL WIRELESS
31 FACILITIES ON WIRELESS SUPPORT STRUCTURES AND UTILITY POLES THAT ARE OWNED
32 OR CONTROLLED BY AN AUTHORITY AND THAT ARE NOT LOCATED WITHIN A
33 RIGHT-OF-WAY TO THE SAME EXTENT THE AUTHORITY PERMITS ACCESS TO SUCH
34 STRUCTURES FOR OTHER COMMERCIAL PROJECTS OR USES. COLLOCATIONS FOR OTHER
35 COMMERCIAL PROJECTS OR USES ARE SUBJECT TO REASONABLE AND
36 NONDISCRIMINATORY RATES, FEES AND TERMS AS PROVIDED IN AN AGREEMENT
37 BETWEEN THE AUTHORITY AND THE WIRELESS PROVIDER.

38 11-1806. Scope of local authority

39 A. SUBJECT TO THIS ARTICLE AND APPLICABLE FEDERAL LAW, AN AUTHORITY
40 MAY EXERCISE ZONING, LAND USE, PLANNING AND PERMITTING AUTHORITY WITHIN
41 THE AUTHORITY'S TERRITORIAL BOUNDARIES, INCLUDING FOR WIRELESS SUPPORT
42 STRUCTURES AND UTILITY POLES.

43 B. AN AUTHORITY DOES NOT HAVE ANY JURISDICTION OR AUTHORITY OVER
44 THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION OR OPERATION OF ANY
45 SMALL WIRELESS FACILITY LOCATED IN AN INTERIOR STRUCTURE OR ON THE SITE OF

1 ANY CAMPUS, STADIUM OR ATHLETIC FACILITY NOT OWNED OR CONTROLLED BY THE
2 AUTHORITY, OTHER THAN TO COMPLY WITH APPLICABLE CODES.

3 C. THIS ARTICLE DOES NOT AUTHORIZE THIS STATE OR ANY POLITICAL
4 SUBDIVISION, INCLUDING AN AUTHORITY, TO REQUIRE WIRELESS FACILITY
5 DEPLOYMENT OR TO REGULATE WIRELESS SERVICES.

6 11-1807. Dispute resolution

7 A. A COURT OF COMPETENT JURISDICTION SHALL DETERMINE ALL DISPUTES
8 ARISING UNDER THIS ARTICLE. COMPLAINTS SHALL BE RESOLVED NOT LATER THAN
9 ONE HUNDRED DAYS AFTER A COMPLAINT OR PETITION IS FILED.

10 B. UNLESS AGREED OTHERWISE AND PENDING RESOLUTION OF A RIGHT-OF-WAY
11 ACCESS RATE DISPUTE, THE AUTHORITY CONTROLLING ACCESS TO AND USE OF THE
12 RIGHT-OF-WAY SHALL ALLOW THE PLACEMENT OF A WIRELESS FACILITY OR WIRELESS
13 SUPPORT STRUCTURE AT A TEMPORARY RATE OF ONE-HALF OF THE
14 AUTHORITY-PROPOSED ANNUAL RATE OR TWENTY DOLLARS, WHICHEVER IS LESS, WITH
15 RATES TO BE TRUED UP ON FINAL RESOLUTION OF THE DISPUTE.

16 C. PENDING RESOLUTION OF A DISPUTE CONCERNING RATES FOR COLLOCATION
17 OF SMALL WIRELESS FACILITIES ON POLES OWNED BY THE AUTHORITY OR UTILITY
18 POLES FOR DESIGNATED SERVICES, THE PERSON OWNING OR CONTROLLING THE POLE
19 SHALL ALLOW THE COLLOCATION OF SMALL WIRELESS FACILITIES ON THE PERSON'S
20 POLES AT AN ANNUAL RATE OF NOT MORE THAN TWENTY DOLLARS PER YEAR PER
21 UTILITY POLE, WITH RATES TO BE TRUED UP ON FINAL RESOLUTION OF THE
22 DISPUTE.

23 11-1808. Indemnification

24 AN AUTHORITY MAY NOT REQUIRE A WIRELESS PROVIDER TO DO EITHER OF THE
25 FOLLOWING:

26 1. INDEMNIFY AND HOLD THE AUTHORITY AND THE AUTHORITY'S OFFICERS
27 AND EMPLOYEES HARMLESS AGAINST ANY CLAIMS, LAWSUITS, JUDGMENTS, COSTS,
28 LIENS, LOSSES, EXPENSES OR FEES EXCEPT WHEN A COURT OF COMPETENT
29 JURISDICTION HAS FOUND THAT THE NEGLIGENCE OF THE WIRELESS PROVIDER WHILE
30 INSTALLING, REPAIRING OR MAINTAINING CAUSED THE HARM THAT CREATED SUCH
31 CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES OR FEES.

32 2. OBTAIN INSURANCE NAMING THE AUTHORITY OR THE AUTHORITY'S
33 OFFICERS AND EMPLOYEES AS AN ADDITIONAL INSURED AGAINST ANY CLAIMS,
34 LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES OR FEES.