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MUNICIPAL LAW GROUP

PUBLIC ACT 100-0585 – THE SMALL WIRELESS FACILITIES DEPLOYMENT ACT

SB 1451, which creates the Small Wireless Facilities Deployment Act (the “Act”) was signed into law on April 12, as Public Act 100-0585. The Act was drafted by the telecommunications industry with the primary goal of allowing the industry to roll out a 5G telecommunications network in the next several years with minimal input by local governments as to where the small cell installations needed to create the network are placed. In order to create an effective 5G network, the industry requires placements of small cell antennas in populated areas approximately every 200 feet, typically on utility or other poles in the right-of-way. Rollout of 5G is expected to begin later this year, with large scale deployment occurring in 2019.

The Act specifies how municipalities may regulate the collocation of small cell antenna installations (known under the Act as “small wireless facilities”). Among other things, the Act will allow small cell antenna installations to be placed on municipal utility poles (light poles, traffic signals, etc.) of a telecommunication provider’s choosing so long as certain basic standards regarding safety and aesthetics are complied with, regardless of whether the municipality agrees to such placement. Such placements are exempted under the Act from any zoning review and are deemed to be permitted uses both in all right-of-ways (regardless of zoning district) and outside of right-of-ways in areas zoned exclusively for commercial or industrial use. Annual fees payable to municipalities for installations on municipal utility poles are capped at \$200/year. There are strict permit processing timelines in the Act, and providers are able to submit multiple location requests in a single application. Other topics covered in the Act include application requirements, pole attachment agreement requirements, installation of new poles by telecommunication providers, the interplay between small cell antenna installations and municipal public safety technology, height limitations, design standards, undergrounding, timelines for approval, and application fees. The Act also impacts existing agreements between municipalities and telecommunication providers regarding small cell antenna placements for placements that occur after the effective date of the Act.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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PUBLIC ACT 100-0585—THE SMALL WIRELESS FACILITIES DEPLOYMENT ACT (CONT'D.)

The terms and conditions of such agreements may continue in force for installations made during the next two years, but installations after that two-year period are subject instead to the terms and conditions of the Act, rather than the existing agreement. The Act exempts the City of Chicago, preempts home rule, includes a 3-year sunset date, and has an effective date of June 1, 2018.

Municipalities are advised to develop an application specific to small cell permit requests, and to update their zoning and building codes, and code provisions regarding construction in the right-of-way, in order to regulate small cell installations consistent with the requirements of the Act. In response to the Act, Klein, Thorpe and Jenkins is currently developing template application documents, attachment agreement documents, and code amendments that we can modify for use with each of our municipal clients. You should contact your attorney regarding these proposed documents and updates.

A link to the Act can be found here:

[Public Act 100-0585](#)