

CITY OF TEMECULA

Small Wireless Facilities in the Public Right-of-Way



Title:	Small Wireless Facilities in the Public Right-of-Way	Issued:	April 9, 2019
Responsible Dept./Division:	Community Development/Public Works	Revised:	May 14, 2019
Forms:		Revised:	
Approval:		Revised:	

PURPOSE

To establish reasonable, uniform design guidelines for small wireless facilities located in the public rights of way, in recognition of and in compliance with applicable state and federal laws and regulations including, but not limited to, the Federal Communications Commission's (FCC) Declaratory Ruling and Third Report and Order, FCC 18-133. The standards and procedures contained in this Policy are intended to, and should be applied to, protect and promote public health, safety and welfare, balancing the benefits that result from technological advancements such as faster wireless networks with the City's local values including, but not limited to, aesthetic concerns and consistency and compatibility with the character of neighborhoods, an avoidance of clutter in the public right-of-way, and traffic and pedestrian safety.

POLICY

Wireless communication facilities (WCFs) have become ubiquitous features in urban settings as demand has increased for faster and more reliable cellular and data service. Wireless communication providers have simultaneously developed and deployed new technologies to meet growing consumer demand. The rapid advancement of technologies and facility innovations have required local agencies to adapt their regulatory approaches to maintain visual harmony while ensuring quality wireless service for residents, visitors, and emergency personnel.

Like many California cities, Temecula will receive requests from wireless carriers interested in deploying the next generation of wireless networks, using "small wireless facilities" as defined by the FCC in 47 C.F.R. § 1.6002(1) and as it may be amended or superseded.

Small wireless facilities equipment is commonly mounted on utility poles in public rights-of-way and consists of relatively small antenna and equipment boxes that may be placed on the pole and/or the ground beneath the pole, and associated electrical wiring and cables.

This policy is not intended to, nor shall it be interpreted or applied to:

- Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services.
- Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management.

- Unreasonably discriminate among providers of functionally equivalent services.
- Deny any request for authorization to place, construct, or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions.
- Prohibit any collocation or modification that the City may not deny under federal or California state law, including under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act,
- Impose any unfair, unreasonable, discriminatory, or anticompetitive fees or requirements that exceed the reasonable cost to provide the services for which the fee is charged or that exceed the burden or impact imposed by the facility installation.
- Otherwise authorize the City to preempt any applicable federal or California law.

Applicability. Except as expressly provided otherwise in this Policy, the provisions in this Policy shall be applicable to all existing small wireless facilities (as defined in 47 CFR Subpart U, § 1.6002, as may be amended from time to time) and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way. Notwithstanding the foregoing, all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 of the Spectrum Act will be reviewed consistent with the standards required by law.

To the extent that other infrastructure deployments involve the same or substantially similar structures, apparatus, equipment, fixtures, equipment or improvements, the City official(s) responsible for reviewing and approving or denying requests for authorization in connection with such other infrastructure deployments shall apply the preferences and requirements in this Policy unless specifically prohibited by applicable law.

Design Standards. To the extent technically feasible, all small wireless facilities shall be designed in accordance with the following standards:

- Proposed installations must be the least intrusive possible with regard to appearance, size, and location. If installations are available (e.g., have been installed in other jurisdictions) that are less intrusive than those allowed by the City's telecommunications ordinance, applicants must use those installations unless the Public Works Director determines that those installations are not feasible.
- All applications for installation shall include accurate global position system (GPS) coordinates in a degrees, minutes, and seconds format, as well as a pole ID, FCC ID, owner(s), carrier(s),
- All equipment shall not cause interference with operation of City facilities, including signs, banners, etc.
- Equipment shall be located within the antenna shroud and behind street signs located on the pole. Antenna shroud shall not interfere with the mast arm of streetlight.

- Equipment shall be located such that it in no way impedes, obstructs, or hinders the usual pedestrian or vehicular travel, affects public safety, obstructs the legal access to or use of the public right-of-way, violates applicable law, violates or conflicts with public right-of-way design standards, specifications, or design district requirements, violates the Federal Americans with Disabilities Act of 1990, or in any way creates a risk to public health, safety, or welfare.
- Devices shall not emit audible sounds beyond twenty decibels (dBA).
- The City reserves the right to require steel or concrete poles finished to match existing light poles. Finish color of device/enclosure shall match streetlight unless otherwise approved.
- The small cell designer shall choose poles that are located outside of driveways and intersection sight lines. Where feasible, poles shall be located near property corners or side property lines, and not directly in front of residences and businesses.
- Equipment shall be located entirely on the pole in a vertical arrangement.
- Ground mounted equipment cabinets shall not be used, to the maximum extent possible. If utilized, ground mounted equipment must be placed in a location that does not obstruct pedestrian or vehicular traffic and in the least conspicuous location available within a reasonable distance from the pole. Ground mounted equipment should be installed within or immediately adjacent to an existing or replacement street feature including, without limitation, bus stop shelters, trash bins, benches, kiosks, advertisement panels or other street furniture to conceal the equipment.
- All cables, wires and other connectors must be routed through conduits within a pole whenever possible, and all external conduits, conduit attachments, cables, wires, and other connectors must be concealed from public view to the extent feasible.
- New facility installations shall not obstruct views from habitable living areas (such as bedrooms or living rooms) of residential units that directly face the antenna within 100 feet horizontal distance.
- Flashing lights or large repetitive warning stickers shall not be installed. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under existing and future FCC or other United States governmental agencies for compliance with radio frequency (RF) emissions regulations. RF notification signs shall be placed where appropriate, and not at pedestrian eye level, unless required by the FCC or other regulatory agencies.
- Pole heights shall be minimized. The maximum height of any facilities mounted on an existing pole shall not exceed (i) the minimum separation from supply lines required by CPUC General Order 95 ("GO 95"), as may be amended or superseded, plus four feet or (ii) four feet above the height of the existing support structure. Legally required lightning arresters and beacons shall be included when calculating the height of facilities.
- Wireless facility designers shall use Southern California Edison Smart Meters or flat-rate billing with no electric meter, if available.

- Small wireless facilities shall not be located on decorative streetlights.
- Small wireless facilities shall not be located on traffic signal poles.
- Small wireless facilities shall not be located on streetlights with existing Southern California Edison or other City electronic/communication devices.
- The City is in the process of acquiring streetlights from Southern California Edison and will be developing standards for new poles consistent with the updated streetlights, to the extent a new pole is necessary.
- A maximum of two (2) carriers may co-locate small cell facilities on same pole.
- Small wireless facilities shall not damage existing trees.
- Fans shall not be utilized, to the maximum extent possible.
- Devices and associated equipment must be UL listed and FCC certified or authorized for the intended use.
- Wireless facilities and associated equipment shall not result in any obstruction or interfere with or detrimentally affect public safety including by, but not limited to, physically interfering with or impeding access to traffic control, streetlights, or related structures; access to public transportation or public safety vehicles; access to above-ground or underground infrastructure owned or operated by any public or private utility; access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building or other structure appurtenant to the right-of-way; access to any fire escape; access to any driveway or entryway to any private property that abuts the public right-of- way; or access to any fire hydrant or water valve.
- Master License Agreements allow for an in-depth review and negotiation, which allows the City to establish more specific standards than outlined in this design policy. Consequently, if the City and a Telecommunication Carrier enter into an Agreement for the use of City infrastructure, or to construct new telecommunication infrastructure, the Agreement shall supersede the requirements of this design policy. Any Master License Agreement must be approved by the City Council.