



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1506

Introduced 1/31/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

50 ILCS 840/15

was 50 ILCS 835/15

Amends the Small Wireless Facilities Deployment Act. Provides that an authority may charge an application fee of up to \$750 (rather than \$650) for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to \$400 (rather than \$350) for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

LRB103 25465 AWJ 51814 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Small Wireless Facilities Deployment Act is
5 amended by changing Section 15 as follows:

6 (50 ILCS 840/15) (was 50 ILCS 835/15)

7 (Section scheduled to be repealed on December 31, 2024)

8 Sec. 15. Regulation of small wireless facilities.

9 (a) This Section applies to activities of a wireless
10 provider within or outside rights-of-way.

11 (b) Except as provided in this Section, an authority may
12 not prohibit, regulate, or charge for the collocation of small
13 wireless facilities.

14 (c) Small wireless facilities shall be classified as
15 permitted uses and subject to administrative review in
16 conformance with this Act, except as provided in paragraph (5)
17 of subsection (d) of this Section regarding height exceptions
18 or variances, but not subject to zoning review or approval if
19 they are collocated (i) in rights-of-way in any zone, or (ii)
20 outside rights-of-way in property zoned exclusively for
21 commercial or industrial use.

22 (d) An authority may require an applicant to obtain one or
23 more permits to collocate a small wireless facility. An

1 authority shall receive applications for, process, and issue
2 permits subject to the following requirements:

3 (1) An authority may not directly or indirectly
4 require an applicant to perform services unrelated to the
5 collocation for which approval is sought, such as in-kind
6 contributions to the authority, including reserving fiber,
7 conduit, or utility pole space for the authority on the
8 wireless provider's utility pole. An authority may reserve
9 space on authority utility poles for future public safety
10 uses or for the authority's electric utility uses, but a
11 reservation of space may not preclude the collocation of a
12 small wireless facility unless the authority reasonably
13 determines that the authority utility pole cannot
14 accommodate both uses.

15 (2) An applicant shall not be required to provide more
16 information to obtain a permit than the authority requires
17 of a communications service provider that is not a
18 wireless provider that requests to attach facilities to a
19 structure; however, a wireless provider may be required to
20 provide the following information when seeking a permit to
21 collocate small wireless facilities on a utility pole or
22 wireless support structure:

23 (A) site specific structural integrity and, for an
24 authority utility pole, make-ready analysis prepared
25 by a structural engineer, as that term is defined in
26 Section 4 of the Structural Engineering Practice Act

1 of 1989;

2 (B) the location where each proposed small
3 wireless facility or utility pole would be installed
4 and photographs of the location and its immediate
5 surroundings depicting the utility poles or structures
6 on which each proposed small wireless facility would
7 be mounted or location where utility poles or
8 structures would be installed;

9 (C) specifications and drawings prepared by a
10 structural engineer, as that term is defined in
11 Section 4 of the Structural Engineering Practice Act
12 of 1989, for each proposed small wireless facility
13 covered by the application as it is proposed to be
14 installed;

15 (D) the equipment type and model numbers for the
16 antennas and all other wireless equipment associated
17 with the small wireless facility;

18 (E) a proposed schedule for the installation and
19 completion of each small wireless facility covered by
20 the application, if approved;

21 (F) certification that the collocation complies
22 with paragraph (6) to the best of the applicant's
23 knowledge; and

24 (G) the wireless provider's certification from a
25 radio engineer that it operates the small wireless
26 facility within all applicable FCC standards.

1 (3) Subject to paragraph (6), an authority may not
2 require the placement of small wireless facilities on any
3 specific utility pole, or category of utility poles, or
4 require multiple antenna systems on a single utility pole;
5 however, with respect to an application for the
6 collocation of a small wireless facility associated with a
7 new utility pole, an authority may propose that the small
8 wireless facility be collocated on an existing utility
9 pole or existing wireless support structure within 200
10 feet of the proposed collocation, which the applicant
11 shall accept if it has the right to use the alternate
12 structure on reasonable terms and conditions and the
13 alternate location and structure does not impose technical
14 limits or additional material costs as determined by the
15 applicant. The authority may require the applicant to
16 provide a written certification describing the property
17 rights, technical limits or material cost reasons the
18 alternate location does not satisfy the criteria in this
19 paragraph (3).

20 (4) Subject to paragraph (6), an authority may not
21 limit the placement of small wireless facilities mounted
22 on a utility pole or a wireless support structure by
23 minimum horizontal separation distances.

24 (5) An authority may limit the maximum height of a
25 small wireless facility to 10 feet above the utility pole
26 or wireless support structure on which the small wireless

1 facility is collocated. Subject to any applicable waiver,
2 zoning, or other process that addresses wireless provider
3 requests for an exception or variance and does not
4 prohibit granting of such exceptions or variances, the
5 authority may limit the height of new or replacement
6 utility poles or wireless support structures on which
7 small wireless facilities are collocated to the higher of:
8 (i) 10 feet in height above the tallest existing utility
9 pole, other than a utility pole supporting only wireless
10 facilities, that is in place on the date the application
11 is submitted to the authority, that is located within 300
12 feet of the new or replacement utility pole or wireless
13 support structure and that is in the same right-of-way
14 within the jurisdictional boundary of the authority,
15 provided the authority may designate which intersecting
16 right-of-way within 300 feet of the proposed utility pole
17 or wireless support structures shall control the height
18 limitation for such facility; or (ii) 45 feet above ground
19 level.

20 (6) An authority may require that:

21 (A) the wireless provider's operation of the small
22 wireless facilities does not interfere with the
23 frequencies used by a public safety agency for public
24 safety communications; a wireless provider shall
25 install small wireless facilities of the type and
26 frequency that will not cause unacceptable

1 interference with a public safety agency's
2 communications equipment; unacceptable interference
3 will be determined by and measured in accordance with
4 industry standards and the FCC's regulations
5 addressing unacceptable interference to public safety
6 spectrum or any other spectrum licensed by a public
7 safety agency; if a small wireless facility causes
8 such interference, and the wireless provider has been
9 given written notice of the interference by the public
10 safety agency, the wireless provider, at its own
11 expense, shall take all reasonable steps necessary to
12 correct and eliminate the interference, including, but
13 not limited to, powering down the small wireless
14 facility and later powering up the small wireless
15 facility for intermittent testing, if necessary; the
16 authority may terminate a permit for a small wireless
17 facility based on such interference if the wireless
18 provider is not making a good faith effort to remedy
19 the problem in a manner consistent with the abatement
20 and resolution procedures for interference with public
21 safety spectrum established by the FCC including 47
22 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672
23 through 47 CFR 90.675;

24 (B) the wireless provider comply with requirements
25 that are imposed by a contract between an authority
26 and a private property owner that concern design or

1 construction standards applicable to utility poles and
2 ground-mounted equipment located in the right-of-way;

3 (C) the wireless provider comply with applicable
4 spacing requirements in applicable codes and
5 ordinances concerning the location of ground-mounted
6 equipment located in the right-of-way if the
7 requirements include a waiver, zoning, or other
8 process that addresses wireless provider requests for
9 exception or variance and do not prohibit granting of
10 such exceptions or variances;

11 (D) the wireless provider comply with local code
12 provisions or regulations concerning undergrounding
13 requirements that prohibit the installation of new or
14 the modification of existing utility poles in a
15 right-of-way without prior approval if the
16 requirements include a waiver, zoning, or other
17 process that addresses requests to install such new
18 utility poles or modify such existing utility poles
19 and do not prohibit the replacement of utility poles;

20 (E) the wireless provider comply with generally
21 applicable standards that are consistent with this Act
22 and adopted by an authority for construction and
23 public safety in the rights-of-way, including, but not
24 limited to, reasonable and nondiscriminatory wiring
25 and cabling requirements, grounding requirements,
26 utility pole extension requirements, acoustic

1 regulations, and signage limitations; and shall comply
2 with reasonable and nondiscriminatory requirements
3 that are consistent with this Act and adopted by an
4 authority regulating the location, size, surface area
5 and height of small wireless facilities, or the
6 abandonment and removal of small wireless facilities;

7 (F) the wireless provider not collocate small
8 wireless facilities on authority utility poles that
9 are part of an electric distribution or transmission
10 system within the communication worker safety zone of
11 the pole or the electric supply zone of the pole;
12 however, the antenna and support equipment of the
13 small wireless facility may be located in the
14 communications space on the authority utility pole and
15 on the top of the pole, if not otherwise unavailable,
16 if the wireless provider complies with applicable
17 codes for work involving the top of the pole; for
18 purposes of this subparagraph (F), the terms
19 "communications space", "communication worker safety
20 zone", and "electric supply zone" have the meanings
21 given to those terms in the National Electric Safety
22 Code as published by the Institute of Electrical and
23 Electronics Engineers;

24 (G) the wireless provider comply with the
25 applicable codes and local code provisions or
26 regulations that concern public safety;

1 (H) the wireless provider comply with written
2 design standards that are generally applicable for
3 decorative utility poles, or reasonable stealth,
4 concealment, and aesthetic requirements that are
5 identified by the authority in an ordinance, written
6 policy adopted by the governing board of the
7 authority, a comprehensive plan, or other written
8 design plan that applies to other occupiers of the
9 rights-of-way, including on a historic landmark or in
10 a historic district;

11 (I) subject to subsection (c) of this Section, and
12 except for facilities excluded from evaluation for
13 effects on historic properties under 47 CFR
14 1.1307(a)(4), reasonable, technically feasible and
15 non-discriminatory design or concealment measures in a
16 historic district or historic landmark; any such
17 design or concealment measures, including restrictions
18 on a specific category of poles, may not have the
19 effect of prohibiting any provider's technology; such
20 design and concealment measures shall not be
21 considered a part of the small wireless facility for
22 purposes of the size restrictions of a small wireless
23 facility; this paragraph may not be construed to limit
24 an authority's enforcement of historic preservation in
25 conformance with the requirements adopted pursuant to
26 the Illinois State Agency Historic Resources

1 Preservation Act or the National Historic Preservation
2 Act of 1966, 54 U.S.C. Section 300101 et seq., and the
3 regulations adopted to implement those laws; and

4 (J) When a wireless provider replaces or adds a
5 new radio transceiver or antennas to an existing small
6 wireless facility, certification by the wireless
7 provider from a radio engineer that the continuing
8 operation of the small wireless facility complies with
9 all applicable FCC standards.

10 (7) Within 30 days after receiving an application, an
11 authority must determine whether the application is
12 complete and notify the applicant. If an application is
13 incomplete, an authority must specifically identify the
14 missing information. An application shall be deemed
15 complete if the authority fails to provide notification to
16 the applicant within 30 days after when all documents,
17 information, and fees specifically enumerated in the
18 authority's permit application form are submitted by the
19 applicant to the authority. Processing deadlines are
20 tolled from the time the authority sends the notice of
21 incompleteness to the time the applicant provides the
22 missing information.

23 (8) An authority shall process applications as
24 follows:

25 (A) an application to collocate a small wireless
26 facility on an existing utility pole or wireless

1 support structure shall be processed on a
2 nondiscriminatory basis and deemed approved if the
3 authority fails to approve or deny the application
4 within 90 days; however, if an applicant intends to
5 proceed with the permitted activity on a deemed
6 approved basis, the applicant must notify the
7 authority in writing of its intention to invoke the
8 deemed approved remedy no sooner than 75 days after
9 the submission of a completed application; the permit
10 shall be deemed approved on the latter of the 90th day
11 after submission of the complete application or the
12 10th day after the receipt of the deemed approved
13 notice by the authority; the receipt of the deemed
14 approved notice shall not preclude the authority's
15 denial of the permit request within the time limits as
16 provided under this Act; and

17 (B) an application to collocate a small wireless
18 facility that includes the installation of a new
19 utility pole shall be processed on a nondiscriminatory
20 basis and deemed approved if the authority fails to
21 approve or deny the application within 120 days;
22 however, if an applicant intends to proceed with the
23 permitted activity on a deemed approved basis, the
24 applicant must notify the authority in writing of its
25 intention to invoke the deemed approved remedy no
26 sooner than 105 days after the submission of a

1 completed application; the permit shall be deemed
2 approved on the latter of the 120th day after
3 submission of the complete application or the 10th day
4 after the receipt of the deemed approved notice by the
5 authority; the receipt of the deemed approved notice
6 shall not preclude the authority's denial of the
7 permit request within the time limits as provided
8 under this Act.

9 (9) An authority shall approve an application unless
10 the application does not meet the requirements of this
11 Act. If an authority determines that applicable codes,
12 local code provisions or regulations that concern public
13 safety, or the requirements of paragraph (6) require that
14 the utility pole or wireless support structure be replaced
15 before the requested collocation, approval may be
16 conditioned on the replacement of the utility pole or
17 wireless support structure at the cost of the provider.
18 The authority must document the basis for a denial,
19 including the specific code provisions or application
20 conditions on which the denial was based, and send the
21 documentation to the applicant on or before the day the
22 authority denies an application. The applicant may cure
23 the deficiencies identified by the authority and resubmit
24 the revised application once within 30 days after notice
25 of denial is sent to the applicant without paying an
26 additional application fee. The authority shall approve or

1 deny the revised application within 30 days after the
2 applicant resubmits the application or it is deemed
3 approved; however, the applicant must notify the authority
4 in writing of its intention to proceed with the permitted
5 activity on a deemed approved basis, which may be
6 submitted with the resubmitted application. Any subsequent
7 review shall be limited to the deficiencies cited in the
8 denial. However, this revised application cure does not
9 apply if the cure requires the review of a new location,
10 new or different structure to be collocated upon, new
11 antennas, or other wireless equipment associated with the
12 small wireless facility.

13 (10) The time period for applications may be further
14 tolled by:

15 (A) the express agreement in writing by both the
16 applicant and the authority; or

17 (B) a local, State, or federal disaster
18 declaration or similar emergency that causes the
19 delay.

20 (11) An applicant seeking to collocate small wireless
21 facilities within the jurisdiction of a single authority
22 shall be allowed, at the applicant's discretion, to file a
23 consolidated application and receive a single permit for
24 the collocation of up to 25 small wireless facilities if
25 the collocations each involve substantially the same type
26 of small wireless facility and substantially the same type

1 of structure. If an application includes multiple small
2 wireless facilities, the authority may remove small
3 wireless facility collocations from the application and
4 treat separately small wireless facility collocations for
5 which incomplete information has been provided or that do
6 not qualify for consolidated treatment or that are denied.
7 The authority may issue separate permits for each
8 collocation that is approved in a consolidated
9 application.

10 (12) Collocation for which a permit is granted shall
11 be completed within 180 days after issuance of the permit,
12 unless the authority and the wireless provider agree to
13 extend this period or a delay is caused by make-ready work
14 for an authority utility pole or by the lack of commercial
15 power or backhaul availability at the site, provided the
16 wireless provider has made a timely request within 60 days
17 after the issuance of the permit for commercial power or
18 backhaul services, and the additional time to complete
19 installation does not exceed 360 days after issuance of
20 the permit. Otherwise, the permit shall be void unless the
21 authority grants an extension in writing to the applicant.

22 (13) The duration of a permit shall be for a period of
23 not less than 5 years, and the permit shall be renewed for
24 equivalent durations unless the authority makes a finding
25 that the small wireless facilities or the new or modified
26 utility pole do not comply with the applicable codes or

1 local code provisions or regulations in paragraphs (6) and
2 (9). If this Act is repealed as provided in Section 90,
3 renewals of permits shall be subject to the applicable
4 authority code provisions or regulations in effect at the
5 time of renewal.

6 (14) An authority may not prohibit, either expressly
7 or de facto, the (i) filing, receiving, or processing
8 applications, or (ii) issuing of permits or other
9 approvals, if any, for the collocation of small wireless
10 facilities unless there has been a local, State, or
11 federal disaster declaration or similar emergency that
12 causes the delay.

13 (15) Applicants shall submit applications, supporting
14 information, and notices by personal delivery or as
15 otherwise required by the authority. An authority may
16 require that permits, supporting information, and notices
17 be submitted by personal delivery at the authority's
18 designated place of business, by regular mail postmarked
19 on the date due, or by any other commonly used means,
20 including electronic mail, as required by the authority.

21 (e) Application fees are subject to the following
22 requirements:

23 (1) An authority may charge an application fee of up
24 to \$750 ~~\$650~~ for an application to collocate a single
25 small wireless facility on an existing utility pole or
26 wireless support structure and up to \$400 ~~\$350~~ for each

1 small wireless facility addressed in an application to
2 collocate more than one small wireless facility on
3 existing utility poles or wireless support structures.

4 (2) An authority may charge an application fee of
5 \$1,000 for each small wireless facility addressed in an
6 application that includes the installation of a new
7 utility for such collocation.

8 (3) Notwithstanding any contrary provision of State
9 law or local ordinance, applications pursuant to this
10 Section must be accompanied by the required application
11 fee.

12 (4) Within 2 months after the effective date of this
13 Act, an authority shall make available application fees
14 consistent with this subsection, through ordinance, or in
15 a written schedule of permit fees adopted by the
16 authority.

17 (f) An authority shall not require an application,
18 approval, or permit, or require any fees or other charges,
19 from a communications service provider authorized to occupy
20 the rights-of-way, for: (i) routine maintenance; (ii) the
21 replacement of wireless facilities with wireless facilities
22 that are substantially similar, the same size, or smaller if
23 the wireless provider notifies the authority at least 10 days
24 prior to the planned replacement and includes equipment
25 specifications for the replacement of equipment consistent
26 with the requirements of subparagraph (D) of paragraph (2) of

1 subsection (d) of this Section; or (iii) the installation,
2 placement, maintenance, operation, or replacement of micro
3 wireless facilities that are suspended on cables that are
4 strung between existing utility poles in compliance with
5 applicable safety codes. However, an authority may require a
6 permit to work within rights-of-way for activities that affect
7 traffic patterns or require lane closures.

8 (g) Nothing in this Act authorizes a person to collocate
9 small wireless facilities on: (1) property owned by a private
10 party or property owned or controlled by a unit of local
11 government that is not located within rights-of-way, subject
12 to subsection (j) of this Section, or a privately owned
13 utility pole or wireless support structure without the consent
14 of the property owner; (2) property owned, leased, or
15 controlled by a park district, forest preserve district, or
16 conservation district for public park, recreation, or
17 conservation purposes without the consent of the affected
18 district, excluding the placement of facilities on
19 rights-of-way located in an affected district that are under
20 the jurisdiction and control of a different unit of local
21 government as provided by the Illinois Highway Code; or (3)
22 property owned by a rail carrier registered under Section
23 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or
24 any other public commuter rail service, or an electric utility
25 as defined in Section 16-102 of the Public Utilities Act,
26 without the consent of the rail carrier, public commuter rail

1 service, or electric utility. The provisions of this Act do
2 not apply to an electric or gas public utility or such
3 utility's wireless facilities if the facilities are being
4 used, developed, and maintained consistent with the provisions
5 of subsection (i) of Section 16-108.5 of the Public Utilities
6 Act.

7 For the purposes of this subsection, "public utility" has
8 the meaning given to that term in Section 3-105 of the Public
9 Utilities Act. Nothing in this Act shall be construed to
10 relieve any person from any requirement (1) to obtain a
11 franchise or a State-issued authorization to offer cable
12 service or video service or (2) to obtain any required
13 permission to install, place, maintain, or operate
14 communications facilities, other than small wireless
15 facilities subject to this Act.

16 (h) Agreements between authorities and wireless providers
17 that relate to the collocation of small wireless facilities in
18 the right-of-way, including the collocation of small wireless
19 facilities on authority utility poles, that are in effect on
20 the effective date of this Act remain in effect for all small
21 wireless facilities collocated on the authority's utility
22 poles pursuant to applications submitted to the authority
23 before the effective date of this Act, subject to applicable
24 termination provisions. Such agreements entered into after the
25 effective date of the Act shall comply with the Act.

26 (i) An authority shall allow the collocation of small

1 wireless facilities on authority utility poles subject to the
2 following:

3 (1) An authority may not enter into an exclusive
4 arrangement with any person for the right to attach small
5 wireless facilities to authority utility poles.

6 (2) The rates and fees for collocations on authority
7 utility poles shall be nondiscriminatory regardless of the
8 services provided by the collocating person.

9 (3) An authority may charge an annual recurring rate
10 to collocate a small wireless facility on an authority
11 utility pole located in a right-of-way that equals (i)
12 \$200 per year or (ii) the actual, direct, and reasonable
13 costs related to the wireless provider's use of space on
14 the authority utility pole. Rates for collocation on
15 authority utility poles located outside of a right-of-way
16 are not subject to these limitations. In any controversy
17 concerning the appropriateness of a cost-based rate for an
18 authority utility pole located within a right-of-way, the
19 authority shall have the burden of proving that the rate
20 does not exceed the actual, direct, and reasonable costs
21 for the applicant's proposed use of the authority utility
22 pole. Nothing in this paragraph (3) prohibits a wireless
23 provider and an authority from mutually agreeing to an
24 annual recurring rate of less than \$200 to collocate a
25 small wireless facility on an authority utility pole.

26 (4) Authorities or other persons owning or controlling

1 authority utility poles within the right-of-way shall
2 offer rates, fees, and other terms that comply with
3 subparagraphs (A) through (E) of this paragraph (4).
4 Within 2 months after the effective date of this Act, an
5 authority or a person owning or controlling authority
6 utility poles shall make available, through ordinance or
7 an authority utility pole attachment agreement, license or
8 other agreement that makes available to wireless
9 providers, the rates, fees, and terms for the collocation
10 of small wireless facilities on authority utility poles
11 that comply with this Act and with subparagraphs (A)
12 through (E) of this paragraph (4). In the absence of such
13 an ordinance or agreement that complies with this Act, and
14 until such a compliant ordinance or agreement is adopted,
15 wireless providers may collocate small wireless facilities
16 and install utility poles under the requirements of this
17 Act.

18 (A) The rates, fees, and terms must be
19 nondiscriminatory, competitively neutral, and
20 commercially reasonable, and may address, among other
21 requirements, the requirements in subparagraphs (A)
22 through (I) of paragraph (6) of subsection (d) of this
23 Section; subsections (e), (i), and (k) of this
24 Section; Section 30; and Section 35, and must comply
25 with this Act.

26 (B) For authority utility poles that support

1 aerial facilities used to provide communications
2 services or electric service, wireless providers shall
3 comply with the process for make-ready work under 47
4 U.S.C. 224 and its implementing regulations, and the
5 authority shall follow a substantially similar process
6 for make-ready work except to the extent that the
7 timing requirements are otherwise addressed in this
8 Act. The good-faith estimate of the person owning or
9 controlling the authority utility pole for any
10 make-ready work necessary to enable the pole to
11 support the requested collocation shall include
12 authority utility pole replacement, if necessary.

13 (C) For authority utility poles that do not
14 support aerial facilities used to provide
15 communications services or electric service, the
16 authority shall provide a good-faith estimate for any
17 make-ready work necessary to enable the authority
18 utility pole to support the requested collocation,
19 including pole replacement, if necessary, within 90
20 days after receipt of a complete application.
21 Make-ready work, including any authority utility pole
22 replacement, shall be completed within 60 days of
23 written acceptance of the good-faith estimate by the
24 applicant at the wireless provider's sole cost and
25 expense. Alternatively, if the authority determines
26 that applicable codes or public safety regulations

1 require the authority utility pole to be replaced to
2 support the requested collocation, the authority may
3 require the wireless provider to replace the authority
4 utility pole at the wireless provider's sole cost and
5 expense.

6 (D) The authority shall not require more
7 make-ready work than required to meet applicable codes
8 or industry standards. Make-ready work may include
9 work needed to accommodate additional public safety
10 communications needs that are identified in a
11 documented and approved plan for the deployment of
12 public safety equipment as specified in paragraph (1)
13 of subsection (d) of this Section and included in an
14 existing or preliminary authority or public service
15 agency budget for attachment within one year of the
16 application. Fees for make-ready work, including any
17 authority utility pole replacement, shall not exceed
18 actual costs or the amount charged to communications
19 service providers for similar work and shall not
20 include any consultants' fees or expenses for
21 authority utility poles that do not support aerial
22 facilities used to provide communications services or
23 electric service. Make-ready work, including any pole
24 replacement, shall be completed within 60 days of
25 written acceptance of the good-faith estimate by the
26 wireless provider, at its sole cost and expense.

1 (E) A wireless provider that has an existing
2 agreement with the authority on the effective date of
3 the Act may accept the rates, fees, and terms that an
4 authority makes available under this Act for the
5 collocation of small wireless facilities or the
6 installation of new utility poles for the collocation
7 of small wireless facilities that are the subject of
8 an application submitted 2 or more years after the
9 effective date of the Act as provided in this
10 paragraph (4) by notifying the authority that it opts
11 to accept such rates, fees, and terms. The existing
12 agreement remains in effect, subject to applicable
13 termination provisions, for the small wireless
14 facilities the wireless provider has collocated on the
15 authority's utility poles pursuant to applications
16 submitted to the authority before the wireless
17 provider provides such notice and exercises its option
18 under this subparagraph.

19 (j) An authority shall authorize the collocation of small
20 wireless facilities on utility poles owned or controlled by
21 the authority that are not located within rights-of-way to the
22 same extent the authority currently permits access to utility
23 poles for other commercial projects or uses. The collocations
24 shall be subject to reasonable and nondiscriminatory rates,
25 fees, and terms as provided in an agreement between the
26 authority and the wireless provider.

1 (k) Nothing in this Section precludes an authority from
2 adopting reasonable rules with respect to the removal of
3 abandoned small wireless facilities. A small wireless facility
4 that is not operated for a continuous period of 12 months shall
5 be considered abandoned and the owner of the facility must
6 remove the small wireless facility within 90 days after
7 receipt of written notice from the authority notifying the
8 owner of the abandonment. The notice shall be sent by
9 certified or registered mail, return receipt requested, by the
10 authority to the owner at the last known address of the owner.
11 If the small wireless facility is not removed within 90 days of
12 such notice, the authority may remove or cause the removal of
13 the facility pursuant to the terms of its pole attachment
14 agreement for authority utility poles or through whatever
15 actions are provided for abatement of nuisances or by other
16 law for removal and cost recovery. An authority may require a
17 wireless provider to provide written notice to the authority
18 if it sells or transfers small wireless facilities subject to
19 this Act within the jurisdictional boundary of the authority.
20 Such notice shall include the name and contact information of
21 the new wireless provider.

22 (l) Nothing in this Section requires an authority to
23 install or maintain any specific utility pole or to continue
24 to install or maintain utility poles in any location if the
25 authority makes a non-discriminatory decision to eliminate
26 above-ground utility poles of a particular type generally,

1 such as electric utility poles, in all or a significant
2 portion of its geographic jurisdiction. For authority utility
3 poles with collocated small wireless facilities in place when
4 an authority makes a decision to eliminate above-ground
5 utility poles of a particular type generally, the authority
6 shall either (i) continue to maintain the authority utility
7 pole or install and maintain a reasonable alternative utility
8 pole or wireless support structure for the collocation of the
9 small wireless facility, or (ii) offer to sell the utility
10 pole to the wireless provider at a reasonable cost or allow the
11 wireless provider to install its own utility pole so it can
12 maintain service from that location.

13 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21.)