

1 SB76  
2 208949-4  
3 By Senators Orr and Albritton  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 02-FEB-21  
6 PFD: 01/26/2021

1 SB76

2  
3  
4 ENROLLED, An Act,

5 Relating to wireless telecommunications; to  
6 establish a procedure to authorize wireless providers to  
7 collocate, mount, or install small wireless facilities on  
8 existing poles, or install new poles on the right-of-way of  
9 the state or any agency, county, or municipality thereof; to  
10 exempt small wireless facilities from certain zoning review  
11 and approval procedures; to establish a procedure for the  
12 permitting of the development of small wireless facilities and  
13 poles in the rights-of-way of the state; and to establish  
14 rates and fees for all permits for small wireless facilities.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. When used in this act, the following  
17 words shall have the following meanings:

18 (1) ANTENNA. An apparatus designed for the purpose  
19 of emitting radio frequency, to be operated or operating from  
20 a fixed location pursuant to Federal Communications Commission  
21 authorization, for the provision of wireless service. For  
22 purposes of this subdivision, the term does not include an  
23 unintentional radiator, mobile station, or device authorized  
24 under 47 C.F.R. Part 15.

1           (2) ANTENNA EQUIPMENT. Equipment, switches, wiring,  
2 cabling, power sources, shelters, or cabinets associated with  
3 an antenna, located at the same fixed locations as the  
4 antenna, and, when collocated on a structure, mounted or  
5 installed at the same time as the antenna.

6           (3) ANTENNA FACILITY. An antenna and associated  
7 antenna equipment.

8           (4) APPLICATION. A request by a wireless provider to  
9 collocate, mount, or install small wireless facilities on or  
10 adjacent to an existing, new, or replacement pole; or to  
11 install, modify, or replace a pole associated with a small  
12 wireless facility.

13           (5) AUTHORITY. The state or any agency, county,  
14 municipality, district, or instrumentality thereof. The term  
15 does not include state courts having jurisdiction over an  
16 authority.

17           (6) COLLOCATE or COLLOCATION. Either of the  
18 following:

19           a. Mounting or installing an antenna facility on a  
20 pre-existing structure.

21           b. Modifying a structure for the purpose of mounting  
22 or installing an antenna facility on that structure.

23           (7) COMMUNICATIONS FACILITY. The set of equipment  
24 and network components, including wires, cables, and

1 associated facilities, used by a communications service  
2 provider.

3 (8) COMMUNICATIONS SERVICE. Any of the following:  
4 Cable service, as defined in 47 U.S.C. § 522; information  
5 service, as defined in 47 U.S.C. § 153; telecommunications  
6 service, as defined in 47 U.S.C. § 153; and wireless service.

7 (9) COMMUNICATIONS SERVICE PROVIDER. A provider of  
8 communications services.

9 (10) ELECTRIC PROVIDER. An entity listed in  
10 subsection (a) of Section 6.

11 (11) MICRO WIRELESS FACILITY. A small wireless  
12 facility that meets both of the following qualifications:

13 a. It is not larger in dimension than 24 inches in  
14 length, 15 inches in width, and 12 inches in height.

15 b. Any exterior antenna is no longer than 11 inches.

16 (12) NETWORK INTERFACE DEVICE. The  
17 telecommunications demarcation device and cross-connect point  
18 adjacent to the wireless facility or the structure supporting  
19 the wireless facility and demarcating the boundary with any  
20 wireline backhaul facility.

21 (13) POLE. A pole in the right-of-way that is or may  
22 be used in whole or in part by or for wireline communications,  
23 lighting, traffic control, signage, or a similar function, or  
24 for the collocation of small wireless facilities. The term  
25 does not include a building; billboard; monopole; tower,

1 either guyed or self-supporting; or an electric distribution  
2 or transmission structure. Poles owned by an electric provider  
3 are excluded from this act under Section 6.

4 (14) SMALL WIRELESS FACILITY. A facility that meets  
5 each of the following conditions:

6 a. The facilities are any of the following:

7 1. Mounted on structures 50 feet or less in height,  
8 including the antennas.

9 2. Mounted on structures no more than 10 percent  
10 taller than other adjacent structures.

11 3. Do not extend existing structures on which they  
12 are located to a height of more than 50 feet or by more than  
13 10 percent, whichever is greater.

14 b. Each antenna associated with the deployment,  
15 excluding associated antenna equipment, is no more than three  
16 cubic feet in volume.

17 c. All other wireless equipment associated with the  
18 structure, including wireless equipment associated with the  
19 antenna and any pre-existing associated equipment on the  
20 structure, is no more than 28 cubic feet in volume.

21 d. The facilities do not require antenna structure  
22 registration under 47 C.F.R. Part 17.

23 e. The facilities are not located on tribal lands,  
24 as defined under 36 C.F.R. § 800.16.

1           f. The facilities do not result in human exposure to  
2 radio frequency in excess of the applicable safety standards  
3 specified in 47 C.F.R. § 1.1307(b).

4           (15) STRUCTURE. A pole; tower, as defined in 47  
5 C.F.R. § 1.6100(b); base station, as defined in 47 C.F.R. §  
6 1.6100(b); or other building, whether or not it has an  
7 existing antenna facility, that is used or to be used for the  
8 provision of wireless service.

9           (16) WIRELESS FACILITY. Equipment at a fixed  
10 location that enables wireless communications between user  
11 equipment and a communications network, including both of the  
12 following: Equipment associated with wireless communications;  
13 and radio transceivers, antennas, coaxial, metallic, or  
14 fiber-optic cable located on, in, or under a pole or wireless  
15 support structure, or otherwise adjacent to such structures,  
16 regular and backup power supplies, and comparable equipment,  
17 regardless of technological configuration. The term includes  
18 small wireless facilities. The term does not include any of  
19 the following: The structure or improvements on, under, or  
20 within which the equipment is collocated; wireline backhaul  
21 facilities; or coaxial, metallic or fiber-optic cable that is  
22 between structures or that is otherwise not adjacent to a  
23 particular antenna or the structure supporting the antenna.

24           (17) WIRELESS INFRASTRUCTURE PROVIDER. Any person,  
25 including a person authorized to provide telecommunications

1 service in the state, that builds or installs facilities for  
2 the provision of wireless service, but that is not either a  
3 wireless service provider or an electric provider.

4 (18) WIRELESS PROVIDER. A wireless infrastructure  
5 provider or a wireless service provider.

6 (19) WIRELESS SERVICE. Any services using licensed  
7 or unlicensed radio spectrum, including the use of Wi-Fi,  
8 whether at a fixed location or mobile, provided to the public.  
9 The term does not include services provided by an electric  
10 provider using wireless devices, facilities, or equipment in  
11 support of services of the electric provider.

12 (20) WIRELESS SERVICE PROVIDER. A person who  
13 provides wireless service.

14 (21) WIRELINE BACKHAUL FACILITY. An above-ground or  
15 underground wireline facility used to transport communications  
16 data or other electronic communications from a wireless  
17 facility network interface device to a communications network.

18 Section 2. (a) An authority may not deny a wireless  
19 provider the right, as a permitted use subject to Section 3  
20 and the authority's requirements not in conflict with this act  
21 or a then-existing final order of the Federal Communications  
22 Commission (FCC), to do either of the following:

23 (1) Collocate, mount, or install small wireless  
24 facilities on or adjacent to existing, new, or replacement  
25 poles in the right-of-way.

1           (2) Install, modify, or replace its own poles, or,  
2 with the permission of the owner, a third party's poles,  
3 associated with a small wireless facility, along, across,  
4 upon, and under the right-of-way controlled by the authority.

5           (b) For purposes of this section, any new or  
6 modified pole may not exceed the greater of either of the  
7 following:

8           (1) Ten feet in height above the tallest existing  
9 pole in place as of July 1, 2021, located within 500 feet of  
10 the new pole in the same right-of-way controlled by the  
11 authority.

12           (2) Fifty feet above ground level.

13           (c) The small wireless facilities and associated  
14 poles shall be installed and maintained in accordance with the  
15 authority's requirements not in conflict with this act or a  
16 then-existing final order of the FCC and as not to obstruct or  
17 hinder the usual travel and public safety on the right-of-way  
18 and adjacent roads and bridges or obstruct the legal use of  
19 the right-of-way by utilities.

20           (d) A wireless provider may collocate a small  
21 wireless facility and install, maintain, modify, operate, and  
22 replace a pole that exceeds these height limits along, across,  
23 upon, and under the right-of-way, subject to applicable zoning  
24 regulations or other applicable requirements of the authority.



1           Section 3. (a) Subject to the limitations  
2 established in this act, small wireless facilities and  
3 associated poles are not subject to zoning review or approval  
4 if they are located in the right-of-way under the control of  
5 an authority and otherwise comply with this act and a  
6 then-existing final order of the Federal Communications  
7 Commission.

8           (b) Within 10 days of receiving an application, an  
9 authority shall determine and notify the applicant in writing  
10 whether the application is complete. If the authority  
11 determines the application is incomplete, the authority shall  
12 specifically identify the missing information and specify the  
13 requirement creating the obligation to submit the missing  
14 documents or information in the written notice. If the written  
15 notice of incompleteness is provided within 10 days of  
16 receiving the application, the processing deadlines in  
17 subsection (c) shall restart at zero on the date the applicant  
18 submits all the documents and information identified by the  
19 authority to render the application complete.

20           (c) Applications shall be processed on a  
21 nondiscriminatory basis. Applications not requiring a written  
22 notice of incompleteness shall be approved or denied within  
23 the following: 60 days of receipt of an application involving  
24 collocation of a small wireless facility using an existing  
25 structure; and 90 days of receipt of an application involving

1 deployment of a small wireless facility using a new or  
2 replacement pole. For those applications requiring a  
3 resubmittal following the delivery of a written notice of  
4 incompleteness, the time limitations for approval or denial  
5 established in this subsection shall begin on the first date  
6 after receipt of all the documents and information identified  
7 by the authority. The processing deadline may be tolled by  
8 agreement of the applicant and the authority. If an authority  
9 fails to act on an application within the review period  
10 provided for in this subsection, the applicant may provide the  
11 authority, by certified mail, a formal notice stating that  
12 unless the authority approves or denies the application within  
13 20 days from receipt of the notice, the application and any  
14 associated permits will be deemed granted by operation of law  
15 on the twenty-first day from receipt of the notice.

16 (d) An authority shall approve an application if it  
17 complies with the authority's requirements for deploying small  
18 wireless facilities and associated poles in the right-of-way  
19 that are written, generally applicable, and adopted in  
20 advance.

21 (e) An applicant seeking to collocate, mount, or  
22 install small wireless facilities or to install, modify, or  
23 replace an associated pole within the jurisdiction of a single  
24 authority may file a consolidated application for small  
25 wireless facilities and associated poles, provided that the

1 consolidated application shall be for a geographic area no  
2 more than two miles in diameter. The approval of the  
3 consolidated application shall apply to the collocation,  
4 mounting, or installation of the multiple small wireless  
5 facilities or associated poles. The denial of one or more  
6 single small wireless facilities or associated poles that are  
7 part of a consolidated application may not constitute a reason  
8 for denying the remaining small wireless facilities or  
9 associated poles included in the consolidated application. A  
10 consolidated application that includes a request to install,  
11 modify, or replace a pole shall be processed in accordance  
12 with the procedures and shall be subject to the 90-day review  
13 period established in this act.

14 (f) An authority may not require an application or  
15 any other approval or charge fees or rates for any of the  
16 following that are in compliance with any applicable codes:

17 (1) Routine maintenance conducted on small wireless  
18 facilities by the holder of an approved application for the  
19 small wireless facilities, provided the right-of-way is  
20 restored to the pre-maintenance condition.

21 (2) The replacement of small wireless facilities  
22 that are operated by the holder of an approved application for  
23 the small wireless facilities, are substantially similar or  
24 the same size or smaller, and still qualify as a small  
25 wireless facility.

1           (3) The deployment, installation, placement,  
2 maintenance, operation, or replacement of micro wireless  
3 facilities that are suspended on cables that are strung  
4 between existing poles by an entity with a franchise agreement  
5 or other valid authorization which allows the entity to deploy  
6 communications facilities in the rights-of-way.

7           (g) Notwithstanding subsection (f), the deployment  
8 of a micro wireless facility that requires the installation,  
9 placement, or replacement of any ground-mounted facilities in  
10 the right-of-way shall be subject to any applicable authority  
11 permitting processes.

12           (h) Notwithstanding subsection (f), an authority may  
13 require a permit for work that requires excavation or the  
14 closure of sidewalks or vehicular lanes or that otherwise  
15 hinders the usual travel or public safety on the right-of-way  
16 or adjacent roads and bridges or obstructs the legal use of  
17 the right-of-way by utilities. The permit shall be issued to  
18 the applicant on a non-discriminatory basis upon terms and  
19 conditions applied to any other person's activities in the  
20 right-of-way that require excavation or the closure of  
21 sidewalks or vehicular lanes.

22           (i) In the event of any action under subsection (f),  
23 the roads, bridges, and rights-of-way, to the extent  
24 practicable in the reasonable judgment of the authority, shall

1 be restored to the condition prior to the action conducted by  
2 the entity.

3 (j) (1) As part of the application process, an  
4 authority may require a small wireless facility to be fully  
5 operational within 360 days after the date the last or final  
6 permit is issued, subject to the availability of wireline  
7 backhaul, electric power, or other matters beyond the control  
8 of the applicant. The authority and the applicant may agree to  
9 extend the period.

10 (2) If a small wireless facility is not operational  
11 in the time established under subdivision (1), the authority,  
12 after providing 20-day prior written notice and reasonable  
13 opportunity to cure, may do either or both of the following:

14 a. Cancel the authority's approval of the small  
15 wireless facility or any associated new pole.

16 b. Cause the removal of the small wireless facility  
17 or any associated new pole by the wireless provider at the  
18 wireless provider's sole expense and in a time the authority  
19 specifies after providing prior written notice to the wireless  
20 provider.

21 Section 4. (a) Subject to Sections 2, 3, and 5, an  
22 authority shall allow the collocation of small wireless  
23 facilities on existing poles, other than any poles owned by an  
24 electric provider, owned or controlled by an authority and the  
25 mounting or installation of small wireless facilities on

1 replacement poles, other than any poles owned by an electric  
2 provider, owned or controlled by an authority on  
3 nondiscriminatory terms and conditions that comply with this  
4 act.

5 (b) For structures owned or controlled by an  
6 authority, an authority may provide a wireless provider the  
7 option of either having the wireless provider perform any  
8 necessary make-ready work through the use of qualified  
9 contractors or having the authority perform any necessary  
10 make-ready work at the sole cost of the wireless provider. If  
11 the authority performs the make-ready work, the authority  
12 shall provide a good faith estimate of the make-ready work,  
13 including any pole replacement costs. Make-ready work shall be  
14 completed within 60 days after a written acceptance of the  
15 good faith estimate by the applicant.

16 (c) On completion of the make-ready work performed  
17 by an authority at the request of a wireless provider, the  
18 wireless provider, within 60 days of invoicing, shall  
19 reimburse the authority for the authority's actual and  
20 documented cost of the make-ready work, including labor and  
21 materials. The cost invoiced to the wireless provider may not  
22 exceed the good faith estimate by more than 10 percent.

23 Section 5. (a) Application fees for permits for  
24 small wireless facilities shall be nondiscriminatory and may  
25 not exceed the following:

1           (1) A five hundred dollar (\$500) non-recurring fee  
2 for a single up-front application for collocation that  
3 includes up to five small wireless facilities, with an  
4 additional one hundred dollars (\$100) for each small wireless  
5 facility beyond five in a consolidated application.

6           (2) A two hundred fifty dollar (\$250) non-recurring  
7 fee for the modification or replacement of an existing pole  
8 together with the mounting or installation of an associated  
9 small wireless facility in the right-of-way.

10          (3) A one thousand dollar (\$1,000) non-recurring fee  
11 for the installation of a new pole together with the mounting  
12 or installation of an associated small wireless facility in  
13 the right-of-way.

14          (b) If an authority elects to charge for access to  
15 the right-of-way or collocation on poles owned or controlled  
16 by the authority in the right-of-way for small wireless  
17 facilities, the rates shall be nondiscriminatory and may not  
18 exceed one hundred dollars (\$100) per small wireless facility  
19 per year for access to and use of the right-of-way and one  
20 hundred seventy dollars (\$170) per year per small wireless  
21 facility collocated, mounted, or installed on or adjacent to  
22 poles owned or controlled by an authority.

23          Section 6. (a) This act does not apply to any poles  
24 or structures owned by an electric provider, whether used for  
25 lighting, distribution, transmission, or otherwise. This act

1 also does not apply to the equipment, easements, or business  
2 activities of any of the following:

3 (1) A utility, as defined under Section 37-4-1, Code  
4 of Alabama 1975.

5 (2) Any board or public corporation incorporated or  
6 organized for the acquisition or operation of an electric  
7 distribution system under Chapter 50, Title 11, Code of  
8 Alabama 1975, including, but not limited to, Sections  
9 11-50-490 through 11-50-506, Code of Alabama 1975, and any  
10 city or town that shall have established and is operating a  
11 system for the distribution of electric power and energy  
12 pursuant to Article 1 of Chapter 50, Title 11, Code of Alabama  
13 1975.

14 (3) An electric cooperative incorporated or  
15 organized under Chapter 6 of Title 37, Code of Alabama 1975.

16 (4) An electric membership corporation incorporated  
17 or organized under Chapter 7 of Title 37, Code of Alabama  
18 1975.

19 (5) The parents, affiliates, or subsidiaries of any  
20 of the entities described in this section, provided they are  
21 not acting as a wireless provider.

22 (b) Nothing in this act shall affect or alter, or be  
23 construed to affect or alter, the terms of any pole attachment  
24 agreement entered into between or among a wireless provider  
25 and an electric provider.



1           (c) When a wireless provider collocates, installs,  
2 or mounts a small wireless facility pursuant to a pole  
3 attachment agreement with an electric provider, an authority  
4 may only restrict the wireless provider's access to the  
5 right-of-way as described in Section 2. In such a situation,  
6 the authority shall comply with the application process set  
7 forth in Section 3, and any fees and rates paid to the  
8 authority by the wireless provider are subject to the limits  
9 set forth in Section 5.

10           Section 7. (a) An authority exercising its authority  
11 established by this act may not be subject to suit or  
12 otherwise be responsible for the alleged negligence,  
13 wantonness, willfulness, recklessness, or any other claims for  
14 alleged wrongful acts or omissions of wireless providers or  
15 their officers, agents, contractors, subcontractors,  
16 employees, or other representatives relative to the design,  
17 location, placement, construction, maintenance, and operation  
18 of small wireless facilities in an authority's right-of-way or  
19 on an authority's infrastructure.

20           (b) Wireless providers shall indemnify authorities  
21 and their elected and appointed officials, employees, and  
22 authorized agents, or their insurers, and hold them harmless  
23 from and against any and all claims, demands, actions, suits,  
24 or proceedings in equity or law asserted by third parties for  
25 damages, losses, liabilities, or costs of any kind, including,

1 without limitation, reasonable attorney's fees, as and when  
2 incurred that arise from a material breach by a wireless  
3 provider or any of its officers, employees, volunteers, or  
4 authorized agents of any obligations set forth in this act; or  
5 for any claims for the alleged negligence, wantonness,  
6 willfulness, recklessness, or claims of any other alleged  
7 wrongful acts or omissions of wireless providers or their  
8 officers, agents, contractors, sub-contractors, employees, or  
9 other representatives relative to the design, location,  
10 placement, construction, maintenance, and operation of small  
11 wireless facilities in an authority's rights-of-way or on an  
12 authority's infrastructure. A wireless provider has no  
13 obligation to indemnify or hold harmless against any  
14 liabilities and losses due to or caused by the sole negligence  
15 or willful misconduct of an authority or its employees or  
16 agents.

17 Section 8. (a) Except as authorized under subsection  
18 (b), during the period in which the small wireless facilities  
19 of a wireless provider are located on or attached to the  
20 authority's assets, including its poles, or rights-of-way, the  
21 authority may require a wireless provider to do both of the  
22 following:

23 (1) Carry, at the wireless provider's sole cost and  
24 expense, the following types of third-party insurance:

1           a. Property insurance for the replacement cost of  
2 all small wireless facilities.

3           b. Workers' compensation insurance, as required by  
4 law.

5           c. Commercial general liability insurance of at  
6 least two million dollars (\$2,000,000) per occurrence, with  
7 respect to the wireless providers activities in, on, or around  
8 the authority improvements or rights-of-way, including  
9 coverage for bodily injury and property damage.

10          d. Environmental insurance.

11           (2) Include the authority and its officers,  
12 officials, agents, contractors, and employees as an additional  
13 insured on the commercial general liability policy and provide  
14 certification and documentation of inclusion of the authority  
15 in a commercial general liability policy as reasonably  
16 required by the authority.

17           (b) In lieu of the requirements of subdivisions (1)  
18 and (2) of subsection (a), during the period in which the  
19 small wireless facilities of a wireless provider are located  
20 on or attached to the authority's assets, including its poles,  
21 or rights-of-way, the authority may allow the wireless  
22 provider to provide a certificate of self-insurance,  
23 acceptable to the authority, that demonstrates that the  
24 wireless provider has adequate resources to self-insure in the  
25 amounts set forth in subdivision (a) (1).

1           Section 9. (a) An authority may order a wireless  
2 provider to remove, relocate, change, or otherwise alter the  
3 wireless provider's small wireless facility or pole for any of  
4 the following reasons, so long as all other occupiers of the  
5 same right-of-way remove, relocate, change, or otherwise alter  
6 their facilities under the same conditions as the wireless  
7 provider:

8           (1) To perform construction, repair, maintenance, or  
9 installation of an authority improvement in or upon the  
10 right-of-way or the operations of the authority in or upon the  
11 right-of-way.

12           (2) When the small wireless facility or pole is  
13 interfering with or adversely affecting the proper operation  
14 of an authority pole, traffic signal, or other equipment in  
15 the right-of-way.

16           (3) To comply with traffic and public safety codes.

17           (b) Within 90 days of the issuance of a written  
18 order from an authority, a wireless provider, at its own  
19 expense, shall temporarily or permanently protect, support,  
20 disconnect, remove, relocate, change, or otherwise alter the  
21 position of a small wireless facility or pole within the  
22 right-of-way.

23           (c) When an authority orders a wireless provider to  
24 remove, relocate, change, or alter the position of a small  
25 wireless facility or pole within the right-of-way, the

1 authority shall use its best efforts to give the wireless  
2 provider a reasonably equivalent alternative location.

3 (d) If a wireless provider has not complied with an  
4 order under subsection (a) within 90 days of the issuance of a  
5 written order, the authority, without further notice to the  
6 wireless provider and at sole cost and expense to the wireless  
7 provider, may relocate any small wireless facility or pole as  
8 ordered by the authority.

9 (e) Notwithstanding any other provision of this  
10 section, an authority may remove a small wireless facility or  
11 pole if the authority determines that the removal is necessary  
12 to address an imminent risk to public safety. If circumstances  
13 permit, the authority shall provide notice to the wireless  
14 provider and an opportunity for the wireless provider to move  
15 its own small wireless facility or pole to address the risk.  
16 An authority that removes a facility or pole under this  
17 subsection shall promptly notify the wireless provider of the  
18 removal.

19 Section 10. (a) Nothing in this act shall be  
20 interpreted to allow any entity to provide communications  
21 services without compliance with all laws applicable to  
22 communications service providers. Nor shall this act be  
23 interpreted to authorize the collocation, installation,  
24 placement, maintenance, or operation of any communications  
25 facility, including a wireline backhaul facility, in the

1 rights-of-way, other than a small wireless facility or  
2 associated pole.

3 (b) Except as it relates to small wireless  
4 facilities subject to the permit and fee requirements  
5 established pursuant to this act, and except as it relates to  
6 any activities of an electric provider, and except as it  
7 relates to regulations or requirements on communications  
8 service specifically established by the constitution or by  
9 state law, local law enacted by the Legislature, or federal  
10 law, an authority may not otherwise adopt or enforce  
11 regulations or requirements on the placement, operation, or  
12 maintenance of communications facilities by a communications  
13 service provider authorized to be in the rights-of-way; or  
14 otherwise impose or collect any additional or separate tax,  
15 fee, or charge for any service existing on July 1, 2021, or  
16 for the provision of additional communications services  
17 provided by a communications service provider that is  
18 authorized to be in the rights-of-way.

19 Section 11. This act does not apply to an authority  
20 that has entered into an agreement with a wireless provider,  
21 or that has adopted an ordinance or other resolution, relating  
22 to the permitting of small wireless facilities and poles in  
23 the rights-of-way of the authority before May 1, 2021. In  
24 order to remain exempt from the provisions of this act, an  
25 authority shall modify the local agreement, ordinance, or

1 resolution to be in compliance with applicable federal laws,  
2 orders, or regulations within 90 days from a final  
3 non-appealable federal order, rule, or regulation relating to  
4 small wireless facilities.

5 Section 12. (a) Where the provisions of this act are  
6 divergent with any regulations, rulings, or guidance provided  
7 by the Federal Highway Administration, the Alabama Department  
8 of Transportation shall follow the Federal Highway  
9 Administration requirements.

10 (b) Notwithstanding any provision of this act to the  
11 contrary, the Alabama Department of Transportation may deny  
12 any application for placement, modification, or maintenance of  
13 wireless facilities, on new or pre-existing structures, within  
14 the department's right-of-way where the department determines  
15 that the placement or maintenance activity would impede the  
16 operation or safety of a transportation facility. Small  
17 wireless facilities shall not be permitted on any interstate  
18 right-of-way.

19 Section 13. This act shall be effective immediately  
20 following its passage and approval by the Governor, or its  
21 otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB76  
Senate 04-FEB-21  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

---

House of Representatives  
Passed: 11-FEB-21

---

By: Senator Orr