

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

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8       SYNOPSIS:               This bill would establish a procedure by  
9                               which wireless providers would be authorized to  
10                              collocate, mount, or install small wireless  
11                              facilities on existing poles, or install new poles  
12                              on the right-of-way of the state or any agency,  
13                              county, or municipality thereof.

14                             This bill would exempt small wireless  
15                             facilities from certain zoning review and approval  
16                             procedures.

17                             This bill would establish a procedure for  
18                             the permitting of the development of small wireless  
19                             facilities and poles in the rights-of-way of the  
20                             state.

21                             This bill would establish rates and fees for  
22                             all permits for small wireless facilities.

23  
24                                       A BILL  
25                                       TO BE ENTITLED  
26                                       AN ACT  
27

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

11          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

26                         (3) ANTENNA FACILITY. An antenna and associated  
27          antenna equipment.

1           (4) APPLICATION. A request by a wireless provider to  
2           collocate, mount, or install small wireless facilities on or  
3           adjacent to an existing, new, or replacement pole; or to  
4           install, modify, or replace a pole associated with a small  
5           wireless facility.

6           (5) AUTHORITY. The state or any agency, county,  
7           municipality, district, or instrumentality thereof. The term  
8           does not include state courts having jurisdiction over an  
9           authority.

10          (6) COLLOCATE or COLLOCATION. Either of the  
11          following:

12               a. Mounting or installing an antenna facility on a  
13               pre-existing structure.

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

16          (7) COMMUNICATIONS FACILITY. The set of equipment  
17          and network components, including wires, cables, and  
18          associated facilities, used by a communications service  
19          provider.

20          (8) COMMUNICATIONS SERVICE. Any of the following:  
21          Cable service, as defined in 47 U.S.C. § 522; information  
22          service, as defined in 47 U.S.C. § 153; telecommunications  
23          service, as defined in 47 U.S.C. § 153; and wireless service.

24          (9) COMMUNICATIONS SERVICE PROVIDER. A provider of  
25          communications services.

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

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

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

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

6 (12) NETWORK INTERFACE DEVICE. The  
7 telecommunications demarcation device and cross-connect point  
8 adjacent to the wireless facility or the structure supporting  
9 the wireless facility and demarcating the boundary with any  
10 wireline backhaul facility.

11 (13) POLE. A pole in the right-of-way that is or may  
12 be used in whole or in part by or for wireline communications,  
13 lighting, traffic control, signage, or a similar function, or  
14 for the collocation of small wireless facilities. The term  
15 does not include a building; billboard; monopole; tower,  
16 either guyed or self-supporting; or an electric distribution  
17 or transmission structure. Poles owned by an electric provider  
18 are excluded from this act under Section 6.

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

21 a. The facilities are any of the following:

22 1. Mounted on structures 50 feet or less in height,  
23 including the antennas.

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

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

4           b. Each antenna associated with the deployment,  
5 excluding associated antenna equipment, is no more than three  
6 cubic feet in volume.

7           c. All other wireless equipment associated with the  
8 structure, including wireless equipment associated with the  
9 antenna and any pre-existing associated equipment on the  
10 structure, is no more than 28 cubic feet in volume.

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

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

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

18           (15) STRUCTURE. A pole; tower, as defined in 47  
19 C.F.R. § 1.6100(b); base station, as defined in 47 C.F.R. §  
20 1.6100(b); or other building, whether or not it has an  
21 existing antenna facility, that is used or to be used for the  
22 provision of wireless service.

23           (16) WIRELESS FACILITY. Equipment at a fixed  
24 location that enables wireless communications between user  
25 equipment and a communications network, including both of the  
26 following: Equipment associated with wireless communications;  
27 and radio transceivers, antennas, coaxial, metallic, or

1 fiber-optic cable located on, in, or under a pole or wireless  
2 support structure, or otherwise adjacent to such structures,  
3 regular and backup power supplies, and comparable equipment,  
4 regardless of technological configuration. The term includes  
5 small wireless facilities. The term does not include any of  
6 the following: The structure or improvements on, under, or  
7 within which the equipment is collocated; wireline backhaul  
8 facilities; or coaxial, metallic or fiber-optic cable that is  
9 between structures or that is otherwise not adjacent to a  
10 particular antenna or the structure supporting the antenna.

11 (17) WIRELESS INFRASTRUCTURE PROVIDER. Any person,  
12 including a person authorized to provide telecommunications  
13 service in the state, that builds or installs facilities for  
14 the provision of wireless service, but that is not either a  
15 wireless service provider or an electric provider.

16 (18) WIRELESS PROVIDER. A wireless infrastructure  
17 provider or a wireless service provider.

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

24 (20) WIRELESS SERVICE PROVIDER. A person who  
25 provides wireless service.

26 (21) WIRELINE BACKHAUL FACILITY. An above-ground or  
27 underground wireline facility used to transport communications

1 data or other electronic communications from a wireless  
2 facility network interface device to a communications network.

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

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

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

15 (b) For purposes of this section, any new or  
16 modified pole may not exceed the greater of either of the  
17 following:

18 (1) Ten feet in height above the tallest existing  
19 pole in place as of July 1, 2020, located within 500 feet of  
20 the new pole in the same right-of-way controlled by the  
21 authority.

22 (2) Fifty feet above ground level.

23 (c) The small wireless facilities and associated  
24 poles shall be installed and maintained in accordance with the  
25 authority's requirements not in conflict with this act or a  
26 then-existing final order of the FCC and as not to obstruct or  
27 hinder the usual travel and public safety on the right-of-way



1 and adjacent roads and bridges or obstruct the legal use of  
2 the right-of-way by utilities.

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

8 Section 3. (a) Subject to the limitations  
9 established in this act, small wireless facilities and  
10 associated poles are not subject to zoning review or approval  
11 if they are located in the right-of-way under the control of  
12 an authority and otherwise comply with this act and a  
13 then-existing final order of the Federal Communications  
14 Commission.

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

1           (c) Applications shall be processed on a  
2 nondiscriminatory basis. Applications not requiring a written  
3 notice of incompleteness shall be approved or denied within  
4 the following: 60 days of receipt of an application involving  
5 collocation of a small wireless facility using an existing  
6 structure; and 90 days of receipt of an application involving  
7 deployment of a small wireless facility using a new or  
8 replacement pole. For those applications requiring a  
9 resubmittal following the delivery of a written notice of  
10 incompleteness, the time limitations for approval or denial  
11 established in this subsection shall begin on the first date  
12 after receipt of all the documents and information identified  
13 by the authority. The processing deadline may be tolled by  
14 agreement of the applicant and the authority. If an authority  
15 fails to act on an application within the review period  
16 provided for in this subsection, the applicant may provide the  
17 authority, by certified mail, a formal notice stating that  
18 unless the authority approves or denies the application within  
19 20 days from receipt of the notice, the application and any  
20 associated permits will be deemed granted by operation of law  
21 on the twenty-first day from receipt of the notice.

22           (d) An authority shall approve an application if it  
23 complies with the authority's requirements for deploying small  
24 wireless facilities and associated poles in the right-of-way  
25 that are written, generally applicable, and adopted in  
26 advance.

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

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

22 (1) Routine maintenance conducted on small wireless  
23 facilities by the holder of an approved application for the  
24 small wireless facilities, provided the right-of-way is  
25 restored to the pre-maintenance condition.

26 (2) The replacement of small wireless facilities  
27 that are operated by the holder of an approved application for

1 the small wireless facilities, are substantially similar or  
2 the same size or smaller, and still qualify as a small  
3 wireless facility.

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

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

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

25 (i) In the event of any action under subsection (f),  
26 the roads, bridges, and rights-of-way, to the extent  
27 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  
26 replacement poles, other than any poles owned by an electric  
27 provider, owned or controlled by an authority on

1 nondiscriminatory terms and conditions that comply with this  
2 act.

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

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

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

24 (1) A five hundred dollar (\$500) non-recurring fee  
25 for a single up-front application for collocation that  
26 includes up to five small wireless facilities, with an

1 additional one hundred dollars (\$100) for each small wireless  
2 facility beyond five in a consolidated application.

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

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

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

20 Section 6. (a) This act does not apply to any poles  
21 or structures owned by an electric provider, whether used for  
22 lighting, distribution, transmission, or otherwise. This act  
23 also does not apply to the equipment, easements, or business  
24 activities of any of the following:

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

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

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

12           (4) An electric membership corporation incorporated  
13 or organized under Chapter 7 of Title 37, Code of Alabama  
14 1975.

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

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

22           (c) When a wireless provider collocates, installs,  
23 or mounts a small wireless facility pursuant to a pole  
24 attachment agreement with an electric provider, an authority  
25 may only restrict the wireless provider's access to the  
26 right-of-way as described in Section 2. In such a situation,  
27 the authority shall comply with the application process set



1       forth in Section 3, and any fees and rates paid to the  
2       authority by the wireless provider are subject to the limits  
3       set forth in Section 5.

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

14              (b) Wireless providers shall indemnify authorities  
15      and their elected and appointed officials, employees, and  
16      authorized agents, or their insurers, and hold them harmless  
17      from and against any and all claims, demands, actions, suits,  
18      or proceedings in equity or law asserted by third parties for  
19      damages, losses, liabilities, or costs of any kind, including,  
20      without limitation, reasonable attorney's fees, as and when  
21      incurred that arise from a material breach by a wireless  
22      provider or any of its officers, employees, volunteers, or  
23      authorized agents of any obligations set forth in this act; or  
24      for any claims for the alleged negligence, wantonness,  
25      willfulness, recklessness, or claims of any other alleged  
26      wrongful acts or omissions of wireless providers or their  
27      officers, agents, contractors, sub-contractors, employees, or

1 other representatives relative to the design, location,  
2 placement, construction, maintenance, and operation of small  
3 wireless facilities in an authority's rights-of-way or on an  
4 authority's infrastructure. A wireless provider has no  
5 obligation to indemnify or hold harmless against any  
6 liabilities and losses due to or caused by the sole negligence  
7 or willful misconduct of an authority or its employees or  
8 agents.

9 Section 8. (a) Except as authorized under subsection  
10 (b), during the period in which the small wireless facilities  
11 of a wireless provider are located on or attached to the  
12 authority's assets, including its poles, or rights-of-way, the  
13 authority may require a wireless provider to do both of the  
14 following:

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

17 a. Property insurance for the replacement cost of  
18 all small wireless facilities.

19 b. Workers' compensation insurance, as required by  
20 law.

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

26 d. Environmental insurance.

1           (2) Include the authority and its officers,  
2 officials, agents, contractors, and employees as an additional  
3 insured on the commercial general liability policy and provide  
4 certification and documentation of inclusion of the authority  
5 in a commercial general liability policy as reasonably  
6 required by the authority.

7           (b) In lieu of the requirements of subdivisions (1)  
8 and (2) of subsection (a), during the period in which the  
9 small wireless facilities of a wireless provider are located  
10 on or attached to the authority's assets, including its poles,  
11 or rights-of-way, the authority may allow the wireless  
12 provider to provide a certificate of self-insurance,  
13 acceptable to the authority, that demonstrates that the  
14 wireless provider has adequate resources to self-insure in the  
15 amounts set forth in subdivision (a) (1).

16           Section 9. (a) An authority may order a wireless  
17 provider to remove, relocate, change, or otherwise alter the  
18 wireless provider's small wireless facility or pole for any of  
19 the following reasons, so long as all other occupiers of the  
20 same right-of-way remove, relocate, change, or otherwise alter  
21 their facilities under the same conditions as the wireless  
22 provider:

23           (1) To perform construction, repair, maintenance, or  
24 installation of an authority improvement in or upon the  
25 right-of-way or the operations of the authority in or upon the  
26 right-of-way.

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

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

6           (b) Within 90 days of the issuance of a written  
7 order from an authority, a wireless provider, at its own  
8 expense, shall temporarily or permanently protect, support,  
9 disconnect, remove, relocate, change, or otherwise alter the  
10 position of a small wireless facility or pole within the  
11 right-of-way.

12           (c) When an authority orders a wireless provider to  
13 remove, relocate, change, or alter the position of a small  
14 wireless facility or pole within the right-of-way, the  
15 authority shall use its best efforts to give the wireless  
16 provider a reasonably equivalent alternative location.

17           (d) If a wireless provider has not complied with an  
18 order under subsection (a) within 90 days of the issuance of a  
19 written order, the authority, without further notice to the  
20 wireless provider and at sole cost and expense to the wireless  
21 provider, may relocate any small wireless facility or pole as  
22 ordered by the authority.

23           (e) Notwithstanding any other provision of this  
24 section, an authority may remove a small wireless facility or  
25 pole if the authority determines that the removal is necessary  
26 to address an imminent risk to public safety. If circumstances  
27 permit, the authority shall provide notice to the wireless

1 provider and an opportunity for the wireless provider to move  
2 its own small wireless facility or pole to address the risk.  
3 An authority that removes a facility or pole under this  
4 subsection shall promptly notify the wireless provider of the  
5 removal.

6 Section 10. (a) Nothing in this act shall be  
7 interpreted to allow any entity to provide communications  
8 services without compliance with all laws applicable to  
9 communications service providers. Nor shall this act be  
10 interpreted to authorize the collocation, installation,  
11 placement, maintenance, or operation of any communications  
12 facility, including a wireline backhaul facility, in the  
13 rights-of-way, other than a small wireless facility or  
14 associated pole.

15 (b) Except as it relates to small wireless  
16 facilities subject to the permit and fee requirements  
17 established pursuant to this act, and except as it relates to  
18 any activities of an electric provider, and except as it  
19 relates to regulations or requirements on communications  
20 service specifically established by the constitution or by  
21 state law, local law enacted by the Legislature, or federal  
22 law, an authority may not otherwise adopt or enforce  
23 regulations or requirements on the placement, operation, or  
24 maintenance of communications facilities by a communications  
25 service provider authorized to be in the rights-of-way; or  
26 otherwise impose or collect any additional or separate tax,  
27 fee, or charge for any service existing on July 1, 2020, or

1 for the provision of additional communications services  
2 provided by a communications service provider that is  
3 authorized to be in the rights-of-way.

4 Section 11. This act does not apply to an authority  
5 that has entered into an agreement with a wireless provider,  
6 or that has adopted an ordinance or other resolution, relating  
7 to the permitting of small wireless facilities and poles in  
8 the rights-of-way of the authority before May 1, 2020. In  
9 order to remain exempt from the provisions of this act, an  
10 authority shall modify the local agreement, ordinance, or  
11 resolution to be in compliance with applicable federal laws,  
12 orders, or regulations within 60 days from a final  
13 non-appealable federal order, rule, or regulation relating to  
14 small wireless facilities.

15 Section 12. This act shall be effective immediately  
16 following its passage and approval by the Governor, or its  
17 otherwise becoming law.