

HOUSE RESEARCH

Bill Summary

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Section

- 1 **Use requirements.** Adds wireless communications service provider to the statute that allows other utilities to be placed in public roadways as long as they do not interfere with the safety and convenience of ordinary travel.
- 2 **Small wireless facilities deployment.** Adds to the chapter of statutes governing telephone, telegraph, and telecommunications a section providing for small wireless facilities deployment.

Subd. 1. Definitions. Defines terms used in the section. “Authority” means the local government that has entered into a joint powers agreement with another local government in this state or another state with regard to jurisdiction, control, or use of public rights-of-way, or zoning and land use over placements not in the right-of-way.

Subd. 2. Siting; small wireless facilities and small wireless facility networks. Prohibits an authority from prohibiting, regulating, or charging a fee for collocation of small wireless facilities or networks except as provided in Minnesota Statutes, chapters 237 and 238.

Specifies when a small wireless facility or network is a permitted use or a special or conditional use.

Specifies the permitting process by the authority. Provides that the 60-day rule in Minnesota Statutes, section 15.99, applies but the interim ordinance (moratorium ordinance) statute does not apply.

Section

Permits collocation of small wireless facilities and networks on authority utility poles in public rights-of-way, subject to reasonable rates, terms, and conditions. Requires processing the applications and permits while agreement is being negotiated.

Requires an authority to allow collocation on property not in a public right-of-way as it does other commercial projects or uses. Specifies how rates are set.

Subd. 3. Construction; maintenance. Subject to the statute governing use of public rights-of-way by telecommunications providers, states that a communications service provider, its contractor, or a communications facilities provider has the right to construct, maintain, and operate its infrastructure along, across, upon, under, and over public streets, roads, highways, or right-of-way. Permits a county, home rule charter or statutory city, or a town to charge fees to recover costs as provided in the section governing use of public rights-of-way by telecommunications providers.