
SUBSTITUTE HOUSE BILL 2592

State of Washington

65th Legislature

2018 Regular Session

By House Technology & Economic Development (originally sponsored by Representative Morris)

READ FIRST TIME 01/31/18.

1 AN ACT Relating to the efficient deployment of small cell network
2 infrastructure; adding a new section to chapter 43.330 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) It is the policy of the state to
6 promote the efficient deployment of small cell network infrastructure
7 by offering a tool so wireless infrastructure providers or wireless
8 service providers can assess a predictable process in local
9 government jurisdictions so citizens across the state have access to
10 advanced wireless communications technologies as soon as possible. A
11 framework for the deployment of wireless communication services that
12 allows for local values to be expressed but also signals where
13 predictable wireless capital investment can occur is the right
14 balance. It is also the policy of the state that cities and towns
15 maintain sufficient legal authority to manage the public rights-of-
16 way for the health, safety, and welfare of their citizens and the
17 general public.

18 (2) It is the intent of the legislature that the state of
19 Washington maintain a list of local governments that are investment
20 ready for advanced and new wireless technologies subject to the
21 provisions of chapter 43.330 RCW.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330
2 RCW to read as follows:

3 (1) A local government that can demonstrate to the department in
4 writing that it meets the criteria in (a) through (e) of this
5 subsection must be designated on the department's web site as being
6 investment ready for advanced and new wireless technologies.

7 (a) A local government must demonstrate a streamlined and
8 predictable permit process period of no longer than twelve months for
9 the installation of a small cell facility or network in the right-of-
10 way. The permit processing period is measured from the date the city
11 deems the application complete to the date the applicant is allowed
12 entry into and use of the specified right-of-way.

13 (b) A local government must demonstrate that it does not
14 unreasonably discriminate among providers of functionally equivalent
15 service with its application of standards for the installation of
16 microcells, small cell facilities, and small cell networks within the
17 right-of-way.

18 (c) A local government must demonstrate: Adoption of a small cell
19 facility deployment ordinance that outlines the standards that
20 wireless infrastructure providers or wireless service providers must
21 follow in seeking a master permit to deploy microcells, small cell
22 facilities, and small cell networks; or the amendment or adoption of
23 a policy or directive that applies an existing ordinance or city
24 regulation to exempt small cell network infrastructure from
25 conditional use permit requirements except:

26 (i) Where a small cell network facility would require original
27 installation of a new pole or structure;

28 (ii) Where a small cell network facility would require an
29 existing pole or structure to be extended more than ten feet above
30 the existing height of a pole or structure; or

31 (iii) Where the proposed facility does not meet the established
32 standards outlined in the ordinance.

33 (d) The ordinance, policy, or directive adopted in accordance
34 with (c) of this subsection must:

35 (i) Not unreasonably discriminate among wireless service
36 providers or wireless infrastructure providers, except that certain
37 parts of local government-owned infrastructure may be made available
38 on a first-provider-to-deploy basis until the attached or built
39 microcells, small cell facilities, and small cell networks stresses

1 government-owned property by increasing costs due to weight or
2 conformance with local aesthetics, or by shortening the life cycle;

3 (ii) Notwithstanding anything to the contrary in this section,
4 but subject to generally applicable public works permit requirements,
5 allow the following types of small cell facility work without
6 requiring an application, permit, or fee:

7 (A) Routine maintenance; and

8 (B) The replacement of small cell facilities with small cell
9 facilities that are substantially similar or smaller in size, weight,
10 and height, provided that such a replacement does not defeat the
11 design or concealment standards placed in the local code or
12 ordinance;

13 (iii) Include a permit fee schedule that:

14 (A) Treats wireless service providers and wireless infrastructure
15 providers in a competitively neutral and nondiscriminatory manner;

16 (B) Allows the local government to recover at least the actual
17 costs of processing permits, and may include reasonable reimbursement
18 for the cost of additional contract staff to address permit volume;
19 and

20 (C) Provides example low, medium, and high cost scenarios for
21 annual attachment rates on city or town-owned poles in order to allow
22 for nonbinding estimates of the range of potentially applicable
23 rates. The examples must show specific rate estimates for each
24 scenario and detail the specific factors or combination of factors
25 driving the variance between the scenarios. More than three scenarios
26 may be provided.

27 (e) The permit fee schedule outlined in (d)(iii) of this
28 subsection may:

29 (i) Allow the city or town to recover at least the actual costs
30 associated with the development of the small cell facility deployment
31 ordinance, policy, or directive amortized over the first five years
32 following adoption;

33 (ii) Allow a permit applicant to pay an additional fee for
34 expedited permit processing if the city has deployed such a process.
35 This subsection (1)(e)(ii) is not intended to require jurisdictions
36 to create an expedited process when one does not already exist.

37 (2) Nothing in this section limits a city or town from issuing
38 master permits or use permits in accordance with the provisions of
39 chapter 35.99 RCW and from entering into lease agreements.

1 (3) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Microcell" has the same meaning as defined in RCW
4 80.36.375(2)(b).

5 (b) "Permit" means a master permit, use permit, or any other form
6 of small cell installation authorization.

7 (c) "Pole" means a pole or similar structure that is or may be
8 used in whole or in part by or for wireline communications, electric
9 distribution or transmission, lighting, traffic control, signage, or
10 a similar function.

11 (d) "Right-of-way" has the same meaning as defined in RCW
12 35.99.010.

13 (e) "Small cell facility" has the same meaning as defined in RCW
14 80.36.375(2)(d).

15 (f) "Small cell network" has the same meaning as defined in RCW
16 80.36.375(2)(e).

17 (g) "Wireless infrastructure provider" means any person,
18 including a person authorized to provide telecommunications service
19 in this state, that builds or installs wireless communication
20 transmission equipment, wireless facilities, or wireless support
21 structures, but that is not a wireless service provider.

22 (h) "Wireless services" means any services, whether at a fixed
23 location or mobile, provided using wireless facilities.

24 (i) "Wireless services provider" means a person who provides
25 wireless services.

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