

SB 66: Streamlining Wireless Facilities and Antennas Act: Local Ordinances and Additional Measures that may be Considered

Georgia's local governments are not required to adopt ordinances governing the placement and regulation of small cell poles, antennas and equipment in their right-of-way (ROW). The enactment of [SB 66](#) from the 2019 session of the Georgia General Assembly creates a statewide, streamlined process which will govern this process for local ROW, becoming effective October 1, 2019. Local governments may, however, wish to adopt an ordinance to implement this law and, furthermore, may elect to address the below, authorized issues in their ordinance.

Additional ROW Fees, lines 259-262

- Local governments are severely restricted in what fees they may charge; however, this subsection allows for some additional fees if they are charged for all other utilities occupying the public ROW. Note that fees must be generally applicable and nondiscriminatory.

Additional ROW Permits, lines 374-376 and lines 392-400

- Local governments are severely restricted in what ROW permits may be required; however, this subsection allows for additional permits if they apply to other utilities occupying the public ROW – fees must be generally applicable and nondiscriminatory. Examples may include electrical, excavation, and street or sidewalk closing/opening permits.

Undergrounding Requirements, lines 506-516

- To be honored, local governments must have undergrounding ordinances in place prior to a wireless provider submitting a small cell application. Such requirements must be generally applicable and nondiscriminatory among other utilities occupying the public ROW.

Pedestrian Access, lines 535-536

- Local governments may consider other laws to ensure pedestrian access or movement so long as they are generally applicable and nondiscriminatory, and do not conflict with state law.

Pedestrian and Vehicle Traffic Safety Requirements, lines 554-555

- Local governments may consider other laws to ensure pedestrian and vehicle safety so long as they are generally applicable and nondiscriminatory, and do not conflict with state law.

ROW Occupancy and Management, lines 556-557

- Local governments may consider other laws regarding ROW occupancy and management so long as they are generally applicable and nondiscriminatory, and do not conflict with state law.

Removal and Relocation of Small Cell Equipment for Road Projects, lines 575-600

- Local governments may require wireless providers to remove or relocate their equipment in a timely manner for road widening, repair, reconstruction or relocation projects; however, the local government must have adopted an ordinance that is generally applicable and nondiscriminatory among all utilities occupying the local ROW.

Local Government Removal (and Cost Recovery) of Abandoned Equipment, lines 692-694

- Local governments may wish to include in their ordinance provisions by which they will remove abandoned small cell equipment and seek cost recovery from the provider.

Repairing ROW Damage, lines 706-707

- Local governments may wish to include competitively neutral and reasonable requirements by which a provider must repair any damage caused to the public ROW.

Ensuring Due Care in ROW, lines 732-734

- Local governments may wish to consider adopting ROW safety and protection requirements, so long as such regulations are generally applicable and comply with state law.

Protecting Historic Districts, lines 745-753

- For the law's protections pertaining to historic districts to be effective, local governments must have adopted "objective, reasonable and nondiscriminatory" aesthetic and structural requirements at least 30 days prior to a small cell application being submitted.

Protecting Decorative Pole Areas, lines 767-774

- To protect a local government's specific decorative pole regulations, the city or county must have adopted "objective and reasonable aesthetic and structural requirements that have been made publicly available at least 30 days prior to submission of a small cell application".

Addressing Conflicting Small Cell Applications, lines 861-864

- Local governments may wish to establish a process by which they may resolve conflicting application requests for two or more small cell poles or collocations in the same location.