ALTERNATIVE USES OF ROW

DelDOT’s approach for Small Wireless Facility Permitting: JMT’s role in developing, implementing and managing stand-alone process due to accelerated deployment requirements

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- Code Requirements
- Applicants/Providers
- Permitting Process
- On-Going Permits
- Lessons Learned
“Advanced Wireless Infrastructure Investment Act”

- Meeting demand of mobile networks for the wireless industry
- Support of the rollout of 5G mobile network
- Support Smart Cities Initiatives, such as autonomous vehicles
- Potential to bring investment and generate new jobs
- Increase precision of emergency services such as 911 call dispatch
Delaware Code Title 17 Chapter 16

- Allows installation of small wireless facilities in the ROW
- Contemplates collocation (but stand alone poles are not precluded)
- Allows for attachment to select DelDOT structures, at the Department’s sole discretion
- Antenna size: No more than 6 ft$^3$ in volume
- Pole height: 50 ft. tall or no more than 10 ft. taller than any pre-existing utility poles within the same ROW and within 500 ft. of site.
- $100 permit application fee per node, plus billing for Department’s actual expenses associated with review/inspection
Strict time requirements for review/approval

- Department must determine completeness of application and notify applicant within 14 days of receipt.
- Incomplete application is rejected and must be submitted again (as a new application) subject to a full review cycle.
- Department must approve or deny complete applications within 60 days (includes 14 days for completeness review).
- Parties can mutually agree to extend 60 day review/approval.
- Applicant can revise a permit application that is denied for technical reasons. (*Must resubmit within 30 days of denial.)
- Department must approve/deny within 15 days of resubmittal (Only looking at “New” items & items commented on previously).
- These last 2 steps will repeat until an application is acceptable.

*Failure to resubmit within 30 days results in termination of Application.
Service Providers:

- Verizon Wireless
- AT&T Mobility
- T-Mobile
- Sprint

Infrastructure providers:

- Crown Castle
- Mobilitie
1. All reviews, comments, and inspections are performed via DelDOT’s consultant JMT on behalf of affected DelDOT sections.

2. Pre-submittal meeting between applicants, wireless company, designers, DelDOT Utilities, and JMT are encouraged prior to moving forward with actual submissions.
3. Submission package required through UPA for each node:

- **$100.00 fee per node** (via check, not through UPA)
- **Limited Use & Occupancy Agreement** (Word File)
- **Gatekeeping checklist & Technical Review checklist** (Excel file)
- **Site Plans** (PDF/digital required, paper plans not accepted)
- **Other supporting docs** (approval letters, structural report, calculations, electrical wiring diagram, etc.)
- **Other necessary agreements for DelDOT** (collocating on existing, etc.)
4. JMT performs Gatekeeping review for completeness of application and notifies applicant within 14 days via the UPA.

5. JMT conducts technical review and provides comments within 60 days of formal submission and upload to the UPA.
6. Back & forth: 30 days for applicant revisions and responses, and 15 days for review comments/approval (JMT).

7. Collection of pre-construction info and GPS location of existing pole or proposed node. JMT provides to DelDOT for First Map updates. Will typically happen during steps 5/6.

8. DelDOT approves application and issues permit once everything is properly addressed with JMT concurrence.
9. Inspect installed small wireless facilities and obtain post-construction info and GPS location. JMT provides to DelDOT for First Map updates.

10. DelDOT prepares invoice for actual expenses per node and bills the applicant/wireless company.
Recent Permit Applications submitted via the UPA

- Gatekeeping Reviews: 17
- Technical Reviews: 8
- Approved Permits: 1
- Withdrawn/Denied Permits: 7

Locations (Nodes) discussed during pre-submittal meetings

- Scoping and planning development: 250+
- Inquiries to collocate or installation of new poles: 50+
- Permits in the works (finalizing documentation per checklist): 25+
Checklists and processes seemed overwhelming to admin staff (INITIALLY), but the management teams involved recognized the value for long-term goals:

- Establishes a standardized process for consistency
- Demonstrate DelDOT’s commitment and proactive approach to up-front planning and investment
- Used similar language to the actual legislation, minimizing guess work

JMT continues to refine workflow as set forth in the legislation

- Improving submissions, i.e. sending notifications, offering user-friendly interface, and clear document tracking
- Proactively improving review process (for JMT/DelDOT and consultants)
- Coordinating with Small Wireless Providers to enhance Quality and Documentation

ON-GOING PERMITS (continued)
LESSONS LEARNED

Pre-submittal meetings are key to establishing working relationships

- Understand Provider’s requirements (priorities may not always align).
- Working as partners and not looking for ways to hinder (follow the project mission and tone set by the legislation).
- Request sample plans to evaluate against submittal checklist.
- Most sample plans were not too far off from established requirements (but some tweaks were needed to meet the Delaware specifics).
- Applicants added plan sheet references on checklists (for ease of identifying required content and quicker review).
Steer Small Wireless Providers toward success “in a reasonable way”

- **Most favorable outcome (for DelDOT):** Collocate and Small Wireless Providers take ownership of Light Poles
- **2nd favorable outcome:** New poles that are Breakaway
- **Least preferred outcome:** Collocate and DelDOT retains ownership
  - Safety concerns
  - Maintenance concerns
Recent review comments provided to the Small Wireless Providers

- Submittal is one-shot upload, can not piece-meal, i.e. “To Be Provided” or “available on request” is not acceptable.
- Protrusion of new meter install/mount could result in negative impact to Pedestrian Access Route (ADA Non-compliance).
- Use of Typical Application (TA) for vehicular and pedestrian MOT is preferred over creating MOT plans.
- For pole collocate (DelDOT structure), existing loading condition shall be examined and factored into structural analysis.
- Breakaway poles shall be designed to meet AASHTO and MASH (Manual for Assessing Safety Hardware) characteristics.
- For poles with other existing wires, show how pole replacement will be phased.
- Any digging (underground work) would trigger-require documentation on plan.
Delaware Legislation does NOT allow DelDOT to charge for the use of ROW.

- The $100 permit fee set by legislation is equivalent to 5% of how much some municipalities are charging for pole-collocate outside of the State ROW
- DelDOT’s projected billing for each permit ranges between $500 to $1000
  - Does not include the $100 permitting fee
  - Assumes one gatekeeping review
  - Assumes one technical review
  - Assumes one re-submittal of technical review
  - Includes routine field inspections
Understand the complications and impacts to the way utility permitting is currently being conducted

- FCC regulations may alter the future of the “Advanced Wireless Infrastructure Investment Act”
- Who owns the ROW? Are jurisdictional limits well established?
- DOT’s role to ensure the safety of the public.
- DOT will exert review permitting authority for safety: including where ROW ownership issues may arise.
QUESTIONS?

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DelDOT information on Small Wireless Facility Permitting:
• WirelessPermits.DelDOT.Gov
• DelDOT Webpage/Doing Business/Wireless/Wireless Permits
• https://www.deldot.gov/Business/wirelesspermits/index.shtml
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