



## SUMMARY OF SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT, 2018 PA 365

**PURPOSE** | *§ 1: Purpose: to encourage expansion of wireless networks and access to wireless services while still allowing some control and management of public rights-of-way (ROWs) by municipalities.*

§ 3–9: Definitions. Micro wireless facility: no larger than 24"×15"×12"; exterior antenna no longer than 11". § 7(c). Small cell wireless facility: no larger than 6 ft<sup>3</sup>; wireless equipment limited to 25 ft<sup>3</sup>. MCL 460.1307(j).

§ 11: Municipal regulation and charges for collocation of facilities must comply with the Act.

§ 13: No exclusive arrangement for use of public ROW. § 13(2). Annual collocation fee cap: \$20 for poles erected before the Act's effective date; \$125 for poles erected on or after; 10% increase every 5 years. § 13(3). Facilities that meet height requirements of § 13(5) are not subject to zoning review or approval.

§ 15: Municipality has 25 days to determine if application is complete and specify missing documents. § 15(2)(d). Municipality has 10 days

after receiving a supplemental submission to notify of remaining deficiency. § 15(2)(e). Time to approve or deny once application is complete: 60 days for collocation; 90 days for a new or replacement pole; two categories of 15-day extensions that may apply. § 15(2)(h). After that, applications is automatically approved, but applicant must give 7 days' notice before starting work. Municipality can deny application that meets the height requirements in § 13(5)(a) only for the reasons in § 15(2)(i). Applicant can cure deficiencies identified and resubmit within 30 days without additional application fee. Municipality has 30 days to approve or deny revised application; review limited to deficiencies originally cited. § 15(2)(j). Application fees caps: \$200 for facility; \$300 if new pole is also requested; 10% increase every 5 years. § 15(3).

*Continued....*



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§ 17: Certain actions subject to zoning review and approval. Municipality has 30 days to determine if application is complete and specify missing documents. § 17(2)(a). Municipality has 10 days after receiving a supplemental submission to notify of remaining deficiency. § 17(2)(b). Time to approve or deny once application is complete: 90 days for modification of support structure or installation of facility; 150 days for new support structure. § 17(2)(d). After that, applications is automatically approved, but applicant must give 15 days' notice before starting work. Review of application is subject to requirements in § 17(3). Application fees caps: \$1,000 for support structure; \$500 for facility. § 17(4).

§ 19: No exclusive arrangement for right to attach to poles. Rate for collocation capped at \$30 per year per pole (in addition to rate for ROW use); 10% increase every 5 years. Make-ready work: municipality must provide estimate within 60 days of application; complete work within 60 days of applicant's acceptance of estimate.

§ 21: Municipality with municipally owned electric utility: No exclusive arrangement to attach to its poles. Must allow collocation on nondiscriminatory basis. Fee cap: \$100 per pole to process a collocation request; additional \$100 processing fee per pole if modification or main-

tenance requires engineering analysis; \$50 annual collocation rate per pole; increases 10% every 5 years. § 21(4).

§ 23: Attaching entity must comply with reliability, safety, and engineering standards.

§ 25: No municipal authority over facilities in certain interior structures, campuses, stadiums, or athletic facilities.

§ 27: Circuit court has jurisdiction; venue is circuit where municipality or municipal electric utility is located.

§ 29: Municipality may require indemnification and to be named as an additional insured.

§ 31: Municipality may establish fees and rates less than those in the Act.

§ 33: Municipality may adopt bonding requirements up to \$1,000 per facility if certain conditions are met.

§ 35: Facility must be labeled with provider's name, emergency contact number, and identifying information.

§ 37: Provider is responsible for arranging and paying for electricity.

§ 39: The Act does not apply to certain investor-owned utilities.

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