

AMENDED IN COMMITTEE

11/18/15

FILE NO. 151100

RESOLUTION NO. 443-15

1 [Master License Agreements - Extenet Systems (California), LLC, GTE Mobilnet of California,  
2 LP, dba Verizon Wireless, and Mobilitie Investments III, LLC - Wireless Telecommunications  
3 Equipment on Transit Support Poles - Each to Exceed \$1,000,000]

4 **Resolution retroactively approving executed Master License Agreements between the**  
5 **City and County of San Francisco, Extenet Systems (California), LLC, GTE Mobilnet of**  
6 **California, LP, d/b/a Verizon Wireless, and Mobilitie Investments III, LLC, for the**  
7 **installation of wireless telecommunications antennae and equipment on San Francisco**  
8 **Municipal Transportation Agency poles, each for an amount to exceed \$1,000,000 and a**  
9 **term of nine years beginning September 22, 2014, November 30, 2014, and April 23,**  
10 **2015, respectively; and affirming the Planning Department's determination under the**  
11 **California Environmental Quality Act.**

12  
13 WHEREAS, Charter, Section 8A.102(b)1, provides in pertinent part that the San  
14 Francisco Municipal Transportation Agency (SFMTA) has "exclusive authority over the  
15 acquisition, construction, management, supervision, maintenance, extension, operation, use,  
16 and control of all property, as well as the real, personal, and financial assets of the Agency;  
17 and [has] ... exclusive authority over contracting, leasing, and purchasing by the Agency;" and

18 WHEREAS, Charter, Section 8A.109(b), requires that the Mayor, the Board of  
19 Supervisors, and the SFMTA "diligently shall seek to develop new sources of funding for the  
20 Agency's operations;" and

21 WHEREAS, The SFMTA currently owns approximately 10,000 Transit Poles in San  
22 Francisco, which are poles of various types of construction used to support the overhead  
23 catenary traction power system that powers trolley buses and light rail vehicles; and

1           WHEREAS, In late 2013, wireless telecommunications companies approached the  
2 SFMTA seeking access to its Transit Poles for the installation of wireless telecommunication  
3 antennae and equipment (ODAS Equipment) to enhance wireless telephone and data  
4 services to their customers in San Francisco; and

5           WHEREAS, On July 15, 2014, by Resolution No. 14-121, the SFMTA Board of  
6 Directors adopted a "Policy for Placement of Wireless Facilities on SFMTA Owned and  
7 Managed Real Estate Assets" (SFMTA Wireless Policy), which established policies and  
8 procedures that govern the fair access and use of Transit Poles by third parties; and

9           WHEREAS, On July 15, 2014, also by Resolution No. 14-121, the SFMTA Board  
10 approved a form Master Outdoor Distributed Antenna System Pole License Agreement  
11 (Master License Agreement), which SFMTA staff negotiated with representatives of wireless  
12 communications companies, and also delegated to the Director of Transportation the authority  
13 to approve Master License Agreements on behalf of the SFMTA; and

14           WHEREAS, The form Master License Agreement contains a mechanism for issuing  
15 individual Pole Licenses, each designating the locations of the licensed Transit Pole(s),  
16 describing the ODAS Equipment to be installed on said Transit Pole(s), and setting out  
17 conditions or requirements unique to the licensed Transit Pole(s) concerning ODAS  
18 Equipment installation and aesthetic requirements; and

19           WHEREAS, The form Master License Agreement and the SFMTA Wireless Policy  
20 authorize the SFMTA to consult with the Planning Department to ensure that the design of  
21 any ODAS Equipment to be installed on any Transit Pole is appropriate for a given location;  
22 and

23           WHEREAS, The form Master License Agreement provides that the SFMTA will not  
24 allow any ODAS Equipment or other communications equipment to be installed on a Transit  
25

1 Pole unless the Department of Public Works has issued the permit required under Article 25  
2 of the Public Works Code; and

3 WHEREAS, Using the form Master License Agreement, the Director of Transportation  
4 executed a Master License Agreement with Extenet Systems (California), LLC, for a term of  
5 nine years, and a copy of that Master License Agreement is on file with the Clerk of the Board  
6 of Supervisors in File No. 151100; and

7 WHEREAS, Using the form Master License Agreement, the Director of Transportation  
8 executed a Master Licenses with GTE Mobilnet of California, LP, d/b/a Verizon Wireless, for a  
9 term of nine years, and a copy of that Master License Agreement is on file with the Clerk of  
10 the Board of Supervisors in File No. 151100; and

11 WHEREAS, Using the form Master License Agreement, the Director of Transportation  
12 executed a Master License Agreement with Mobilitie Investments III, LLC, for a term of nine  
13 years, and a copy of that Master License Agreement is on file with the Clerk of the Board of  
14 Supervisors in File No. 151100; and

15 WHEREAS, When the Director of Transportation approved the three Master License  
16 Agreements, the SFMTA did not anticipate that any of the executed Master License  
17 Agreements would result in revenues of more than \$1,000,000 dollars, and the SFMTA  
18 therefore did not seek Board of Supervisors approval of the executed Master License  
19 Agreements under Charter, Section 9.118(a); and

20 WHEREAS, The number of applications for Pole Licenses has greatly exceeded the  
21 amount that the SFMTA had anticipated, and the SFMTA has determined that due to that  
22 unexpected demand for access to Transit Poles, based on current projections of Licensees'  
23 Pole License applications, the projected revenues from each of each of the three Master  
24 License Agreements will substantially exceed \$1,000,000, and the sum total revenues of all  
25

1 three Master License Agreements will total approximately \$13,560,789 over the nine year  
2 term of those contracts; and

3 WHEREAS, Charter, Section 9.118(a) requires that a City department obtain the Board  
4 of Supervisors' approval by resolution of any contract that produces revenues of \$1,000,000  
5 or more; and

6 WHEREAS, Approval of the Master License Agreements is not subject to the California  
7 Environmental Quality Act (CEQA) as defined under California Environmental Quality Act  
8 (CEQA), California Public Resources Code, Sections 21000 et seq., the CEQA Guidelines, 15  
9 Cal. Administrative Code, Sections 15000 et seq., (CEQA Guidelines), and San Francisco  
10 Administrative Code, Chapter 31 (Chapter 31); and

11 WHEREAS, The Planning Department has determined that the actions contemplated in  
12 this Resolution comply with the California Environmental Quality Act (California Public  
13 Resources Code, Sections 21000, et seq.); and

14 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in  
15 File No. 151100 and is incorporated herein by reference; and

16 WHEREAS, The Board affirms this determination; now, therefore, be it

17 RESOLVED, That the Board of Supervisors retroactively approves the Master License  
18 Agreement, and any Pole License Agreements executed under that agreement, between the  
19 SFMTA and Extenet Systems (California), LLC, dated September 22, 2014, which agreement  
20 is on file with the Clerk of the Board of Supervisors, for an amount to exceed \$1,000,000 and  
21 a term of nine years, said approval to be effective from September 22, 2014; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors retroactively approves the  
23 Master License Agreement, and any Pole License Agreements executed under that  
24 agreement, between the SFMTA and GTE Mobilnet d/b/a Verizon Wireless, dated November  
25 30, 2014, which agreement is on file with the Clerk of the Board of Supervisors, for an amount

1 to exceed \$1,000,000 and a term of nine years, said approval to be effective from November  
2 30, 2014; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors retroactively approves the  
4 Master License Agreement, and any Pole License Agreements executed under that  
5 agreement, between the SFMTA and Mobilitie Investments III, LLC, dated April 23, 2015,  
6 which agreement is on file with the Clerk of the Board of Supervisors, for an amount to exceed  
7 \$1,000,000 and a term of nine years, said approval to be effective from April 23, 2015; and,  
8 be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
10 Transportation of the SFMTA to approve any additions, amendments or other modifications to  
11 said three Master License Agreements (including, without limitation, preparation and  
12 attachment of, or changes to, any or all of the exhibits and ancillary agreements) that the  
13 Director of Transportation, in consultation with the City Attorney, determines is in the best  
14 interest of the SFMTA, do not materially increase the obligations or liabilities of the SFMTA or  
15 City, or materially decrease the public benefits accruing to the SFMTA, and are necessary or  
16 advisable to complete the transactions contemplated and effectuate the purpose and intent of  
17 this Resolution, such determination to be conclusively evidenced by the execution and  
18 delivery by the Director of Transportation of any such documents.



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151100

Date Passed: December 01, 2015

Resolution retroactively approving executed Master License Agreements between the City and County of San Francisco, Extenet Systems (California), LLC, GTE Mobilnet of California, LP, dba Verizon Wireless, and Mobilitie Investments III, LLC, for the installation of wireless telecommunications antennae and equipment on San Francisco Municipal Transportation Agency poles, each for an amount to exceed \$1,000,000 and a term of nine years beginning September 22, 2014, November 30, 2014, and April 23, 2015, respectively; and affirming the Planning Department's determination under the California Environmental Quality Act.

November 18, 2015 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

November 18, 2015 Budget and Finance Committee - RECOMMENDED AS AMENDED

December 01, 2015 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 151100

I hereby certify that the foregoing Resolution was ADOPTED on 12/1/2015 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of Mayor
Mayor

12/9/2015
Date Approved