

## LEGISLATIVE DIGEST

[Public Works Code - Personal Wireless Service Facility Site Permits]

**Ordinance amending the Public Works Code to authorize the Department of Public Works to issue Personal Wireless Service Facility Site Permits to install Personal Wireless Service Facilities on stand-alone poles; and making certain corrections to other provisions.**

### Existing Law

Under Article 25 of the Public Works Code, Public Works may issue permits to allow telecommunications providers to install Personal Wireless Service Facilities on existing utility poles in the public right-of-way.

### Amendments to Current Law

The proposed ordinance would authorize Public Works to issue Personal Wireless Service Facility Site Permits (“Permits”) to allow telecommunications providers to install Personal Wireless Service Facilities on stand-alone poles in public right-of-ways with existing overhead utility facilities when those existing overhead utility facilities cannot be used for safety reasons. The proposed ordinance would also establish placement and siting criteria to ensure, among other things, that stand-alone poles would not: (i) incommode the public’s use of the public right-way; (ii) impact streets where the City has completed, or has plans, for major capital improvements, including streetscape and pedestrian safety improvement; (iii) require the removal of special paving or other special design features; (iv) impact streets that the City has plans to underground in the immediate future; or (v) be installed too close to one another.

### Background Information

Wireless carriers seeking to deploy 5G are experiencing obstacles installing new Personal Wireless Service Facilities on existing utility poles as permitted by Article 25 of the Public Works Code. Recently, Pacific Gas and Electric Company (“PG&E”) has imposed new pole safety standards that prohibit wireless carriers from using many of PG&E’s poles to install Personal Wireless Service Facilities. While these carriers could install their facilities on poles owned by the Public Utilities Commission and Municipal Transportation Agency, on many streets where the utility facilities are aboveground there are only PG&E poles. For this reason, on streets where PG&E has notified carriers that its poles are unavailable, the carriers are unable to install Personal Wireless Service Facilities in the public right-of-way.

Public Works has started receiving applications for Permits to install Personal Wireless Service Facilities on stand-alone poles. To date, Public Works has not issued any Permits for

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use of stand-alone poles, because Article 25 does to authorize Public Works to issue Permits to install Personal Wireless Service Facilities on stand-alone poles.

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