Attachment 1

CITY OF HAYWARD
HEART OF THE BAY

PUBLIC WORKS - ENGINEERING & TRANSPORTATION
INTEROFFICE MEMORANDUM

TO: Adam Kostrzak, Director of Information Technology

FROM: Fred Kelley, Transportation Manager

DATE: April 3, 2017

SUBJECT: CTAC Update on Small Cell (Wireless Communication) Technology

As reported to the CTAC at its November 2016 meeting, the City of Hayward has joined the Wireless Telecommunications Working Group, a coalition of South Bay cities (Sunnyvale, Mountain View, Fremont, Cupertino, Campbell, Los Gatos, Santa Cruz, Gilroy, etc.) who are collaborating on impacts related to the evolving/fast paced growth of small cell (wireless telecommunications) technology. Exponential growth in data usage from electronic devices and autonomous vehicles is projected to greatly increase the need for vendors to install additional small cell technology on city owned infrastructure.

Staffs from the aforementioned Public Works and City Attorneys offices have continued to meet monthly to discuss developing among other tasks the following:

- Best practices among jurisdictions
- Consistent design standards
- Consistent licensing agreements and terms of contract
- Consistent fee structures

Small cell (wireless technology) equipment is typically installed on one of two facilities: 1) city owned streetlight poles and 2) PG&E/Joint wooden poles. If given the choice, vendors prefer to locate small cell equipment on city owned streetlight poles as opposed to PG&E/joint poles. Installing small cell antennas on PG&E poles limits the placement and/or effectiveness of the wireless technology.

To date, the City of Hayward has received approximately 60 encroachment permit applications for installation of small cell devices on PG&E/joint poles. Based on existing federal law, local jurisdictions have extremely limited discretion on the approval of such installations

Hayward, via the Wireless Telecommunications Working Group, is working to develop a standardized Master Licensing Agreement (MLA) that will allow vendors to submit applications for installation of small cell technology on city owned streetlight poles throughout the city. It is envisioned that a draft MLA and draft design standards will be finalized and brought before CTAC and the full council for review and comment in the fall of 2017. Vendors have refrained from submitting applications to install technology on city owned infrastructure until a MLA has been reviewed and approved by council.

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In a related matter, a proposed bill (SB 649) would eliminate local discretionary review of small cell technology on existing or new poles including those located within the public right of way. Local jurisdictions would no longer be able to deny the installation of antenna and supporting equipment on city owned infrastructure based on aesthetic or environmental concerns. In fact, the proposal does not provide a city with any discretion to deny a small cell installation on city owned property apart from fire department sites. The League of California Cities is strongly opposed to this loss of discretionary review power by local jurisdictions. The matter is scheduled to be heard this week by the Senate Energy, Utilities and Communications Committee.

cc: Morad Fakhrai
Chron. file