

Amendment No. 2 to SB2504

Watson  
Signature of Sponsor

**AMEND Senate Bill No. 2504**

**House Bill No. 2279\***

by deleting the language "wireless facilities" in the first sentence of subdivision (6) in § 13-24-402 in Section 1 and substituting instead the language "small wireless facilities".

**AND FURTHER AMEND** by deleting the language "that is or could be used in whole or in part to support infrastructure or network components that deliver communications and includes structures used for electric distribution" in subdivision (15) in § 13-24-402 in Section 1 and substituting instead the language "used for wireline communications, electric distribution".

**AND FURTHER AMEND** by deleting the language "(17)(A)(ii)" in subdivision (19) in § 13-24-402 in Section 1 and substituting instead the language "(19)(A)(ii)".

**AND FURTHER AMEND** by deleting subdivision (21) in § 13-24-402 in Section 1 and substituting instead the following:

(21)

(A) "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

(i) Equipment associated with wireless communications; and

(ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration;

(B) "Wireless facility" does not include:

(i) The structure or improvements on, under, or within which the equipment is colocated;

(ii) Wireline backhaul facilities; or

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(iii) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna; and

(C) "Wireless facility" includes small wireless facilities;

**AND FURTHER AMEND** by deleting subsection (c) from § 13-24-404 in Section 1 and substituting instead the following:

(c) For colocation of small wireless facilities in the ROW that is within the jurisdiction of a local authority that does not require an application and does not require work permits for deployment of infrastructure within the ROW, an applicant shall provide notice of the colocation by providing the materials set forth in § 13-24-409(g) to the office of the county mayor and the chief administrative officer of the county highway department, if the colocation is in the unincorporated area, or the city, if the colocation is in an incorporated area.

**AND FURTHER AMEND** by deleting the language "along highways with a speed limit of fifty-five miles per hour (55 mph) or more; to reduce the danger of injuries due to automobile accidents" in subdivision (7) in § 13-24-405 in Section 1.

**AND FURTHER AMEND** by deleting the language "requirements or procedures regarding removal of unsafe" in subdivision (9) in § 13-24-405 in Section 1 and substituting instead the language "rules regarding removal of unsafe, abandoned, or inoperable".

**AND FURTHER AMEND** by deleting the language "For PSS" in subdivision (a)(1)(A)(iii) in § 13-24-408 in Section 1 and substituting instead the language "For a PSS".

**AND FURTHER AMEND** by deleting subdivision (a)(1)(C) in § 13-24-408 in Section 1 and substituting instead the following:

Nothing in this part applies to or restricts the ability of an electric distributor or its agent or designated party to change the height of a utility pole used for electric distribution, regardless of whether a small wireless facility is colocated on the utility pole. This section does not authorize a wireless provider to install or replace a PSS above the height restrictions in subdivision (a)(1)(A).

**AND FURTHER AMEND** by deleting the language "PSS the replacement PSS become" in subsection (g) in § 13-24-408 in Section 1 and substituting instead the language "PSS, the replacement PSS becomes".

**AND FURTHER AMEND** by deleting the language "on existing PSS instead of deployment of new" in subdivision (b)(3)(D)(iv) in § 13-24-409 in Section 1 and substituting instead the language "on an existing PSS instead of deployment of a new".

**AND FURTHER AMEND** by deleting the language ". The applicant may choose to" in subdivision (b)(7)(F) in § 13-24-409 in Section 1.

**AND FURTHER AMEND** by deleting the language "triggerin the election of either a surcharge r" in subdivision (b)(7)(F)(i) in § 13-24-409 in Section 1 and substituting instead the language ", triggering the election of either a surcharge or".

**AND FURTHER AMEND** by deleting the "and" at the end of subdivision (b)(7)(F)(ii) in § 13-24-409 in Section 1 and inserting the following new subdivision (iii):

(iii) If an applicant submits an application in which the proposed design will affect in any manner a regulatory sign, as defined by the Manual on Uniform Traffic Control Devices, or any sign subject to a requirement for breakaway supports, then the local authority may reject the application. If an application is rejected on that basis, however, the local authority shall permit the applicant to seek reconsideration of its design. If the applicant requests reconsideration, then the local authority shall provide the opportunity for the applicant to schedule a conference to discuss the local authority's specific

concerns within thirty (30) days of the reconsideration request. The applicant must submit a revised design or otherwise respond to the local authority's concerns within thirty (30) days of the conference, and upon receipt of the revised design or response, the local authority shall approve or deny the application within sixty (60) days, and the local authority has complete discretion to approve or deny the application in a nondiscriminatory manner; and

**AND FURTHER AMEND** by deleting the language "new PSS" in subsection (d) in § 13-24-409 in Section 1 and substituting instead the language "new or replacement PSS".

**AND FURTHER AMEND** by deleting subdivision (1) in § 13-24-411 in Section 1 and substituting instead the following:

(1) Follow generally applicable and nondiscriminatory requirements for entities that deploy infrastructure or perform construction in a ROW:

(A) Requiring structures and facilities placed within a ROW to be constructed and maintained as not to obstruct or hinder the usual travel upon pedestrian or automotive travel ways;

(B) Requiring compliance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) standards adopted by the authority to achieve compliance with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), including Public Rights-of-Way Accessibility Guidelines (PROWAG) if adopted by the authority;

(C) Requiring compliance with measures necessary for public safety; and

(D) Prohibiting obstruction of the legal use of a ROW by utilities;

**AND FURTHER AMEND** by deleting the language "to deploy infrastructure a ROW" in subdivision (2) in § 13-24-411 in Section 1 and substituting instead the language "to deploy infrastructure in a ROW".

**AND FURTHER AMEND** by deleting the language "imposed the authority" in subdivisions (4) and (5) in § 13-24-411 in Section 1 wherever it may appear and substituting instead the language "imposed by the authority".