



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1503

Introduced 1/31/2023, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

50 ILCS 840/15

was 50 ILCS 835/15

Amends the Small Wireless Facilities Deployment Act. Provides that an authority may charge an application fee in an amount up to the authority's full and reasonable approximation of costs to review and process an application to collocate one or more wireless facilities on existing utility poles or wireless support structures. Currently, an authority may charge \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to \$350 for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

LRB103 05681 AWJ 50700 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Small Wireless Facilities Deployment Act is  
5 amended by changing Section 15 as follows:

6 (50 ILCS 840/15) (was 50 ILCS 835/15)

7 (Section scheduled to be repealed on December 31, 2024)

8 Sec. 15. Regulation of small wireless facilities.

9 (a) This Section applies to activities of a wireless  
10 provider within or outside rights-of-way.

11 (b) Except as provided in this Section, an authority may  
12 not prohibit, regulate, or charge for the collocation of small  
13 wireless facilities.

14 (c) Small wireless facilities shall be classified as  
15 permitted uses and subject to administrative review in  
16 conformance with this Act, except as provided in paragraph (5)  
17 of subsection (d) of this Section regarding height exceptions  
18 or variances, but not subject to zoning review or approval if  
19 they are collocated (i) in rights-of-way in any zone, or (ii)  
20 outside rights-of-way in property zoned exclusively for  
21 commercial or industrial use.

22 (d) An authority may require an applicant to obtain one or  
23 more permits to collocate a small wireless facility. An

1 authority shall receive applications for, process, and issue  
2 permits subject to the following requirements:

3 (1) An authority may not directly or indirectly  
4 require an applicant to perform services unrelated to the  
5 collocation for which approval is sought, such as in-kind  
6 contributions to the authority, including reserving fiber,  
7 conduit, or utility pole space for the authority on the  
8 wireless provider's utility pole. An authority may reserve  
9 space on authority utility poles for future public safety  
10 uses or for the authority's electric utility uses, but a  
11 reservation of space may not preclude the collocation of a  
12 small wireless facility unless the authority reasonably  
13 determines that the authority utility pole cannot  
14 accommodate both uses.

15 (2) An applicant shall not be required to provide more  
16 information to obtain a permit than the authority requires  
17 of a communications service provider that is not a  
18 wireless provider that requests to attach facilities to a  
19 structure; however, a wireless provider may be required to  
20 provide the following information when seeking a permit to  
21 collocate small wireless facilities on a utility pole or  
22 wireless support structure:

23 (A) site specific structural integrity and, for an  
24 authority utility pole, make-ready analysis prepared  
25 by a structural engineer, as that term is defined in  
26 Section 4 of the Structural Engineering Practice Act

1 of 1989;

2 (B) the location where each proposed small  
3 wireless facility or utility pole would be installed  
4 and photographs of the location and its immediate  
5 surroundings depicting the utility poles or structures  
6 on which each proposed small wireless facility would  
7 be mounted or location where utility poles or  
8 structures would be installed;

9 (C) specifications and drawings prepared by a  
10 structural engineer, as that term is defined in  
11 Section 4 of the Structural Engineering Practice Act  
12 of 1989, for each proposed small wireless facility  
13 covered by the application as it is proposed to be  
14 installed;

15 (D) the equipment type and model numbers for the  
16 antennas and all other wireless equipment associated  
17 with the small wireless facility;

18 (E) a proposed schedule for the installation and  
19 completion of each small wireless facility covered by  
20 the application, if approved;

21 (F) certification that the collocation complies  
22 with paragraph (6) to the best of the applicant's  
23 knowledge; and

24 (G) the wireless provider's certification from a  
25 radio engineer that it operates the small wireless  
26 facility within all applicable FCC standards.

1           (3) Subject to paragraph (6), an authority may not  
2           require the placement of small wireless facilities on any  
3           specific utility pole, or category of utility poles, or  
4           require multiple antenna systems on a single utility pole;  
5           however, with respect to an application for the  
6           collocation of a small wireless facility associated with a  
7           new utility pole, an authority may propose that the small  
8           wireless facility be collocated on an existing utility  
9           pole or existing wireless support structure within 200  
10          feet of the proposed collocation, which the applicant  
11          shall accept if it has the right to use the alternate  
12          structure on reasonable terms and conditions and the  
13          alternate location and structure does not impose technical  
14          limits or additional material costs as determined by the  
15          applicant. The authority may require the applicant to  
16          provide a written certification describing the property  
17          rights, technical limits or material cost reasons the  
18          alternate location does not satisfy the criteria in this  
19          paragraph (3).

20          (4) Subject to paragraph (6), an authority may not  
21          limit the placement of small wireless facilities mounted  
22          on a utility pole or a wireless support structure by  
23          minimum horizontal separation distances.

24          (5) An authority may limit the maximum height of a  
25          small wireless facility to 10 feet above the utility pole  
26          or wireless support structure on which the small wireless

1 facility is collocated. Subject to any applicable waiver,  
2 zoning, or other process that addresses wireless provider  
3 requests for an exception or variance and does not  
4 prohibit granting of such exceptions or variances, the  
5 authority may limit the height of new or replacement  
6 utility poles or wireless support structures on which  
7 small wireless facilities are collocated to the higher of:  
8 (i) 10 feet in height above the tallest existing utility  
9 pole, other than a utility pole supporting only wireless  
10 facilities, that is in place on the date the application  
11 is submitted to the authority, that is located within 300  
12 feet of the new or replacement utility pole or wireless  
13 support structure and that is in the same right-of-way  
14 within the jurisdictional boundary of the authority,  
15 provided the authority may designate which intersecting  
16 right-of-way within 300 feet of the proposed utility pole  
17 or wireless support structures shall control the height  
18 limitation for such facility; or (ii) 45 feet above ground  
19 level.

20 (6) An authority may require that:

21 (A) the wireless provider's operation of the small  
22 wireless facilities does not interfere with the  
23 frequencies used by a public safety agency for public  
24 safety communications; a wireless provider shall  
25 install small wireless facilities of the type and  
26 frequency that will not cause unacceptable

1 interference with a public safety agency's  
2 communications equipment; unacceptable interference  
3 will be determined by and measured in accordance with  
4 industry standards and the FCC's regulations  
5 addressing unacceptable interference to public safety  
6 spectrum or any other spectrum licensed by a public  
7 safety agency; if a small wireless facility causes  
8 such interference, and the wireless provider has been  
9 given written notice of the interference by the public  
10 safety agency, the wireless provider, at its own  
11 expense, shall take all reasonable steps necessary to  
12 correct and eliminate the interference, including, but  
13 not limited to, powering down the small wireless  
14 facility and later powering up the small wireless  
15 facility for intermittent testing, if necessary; the  
16 authority may terminate a permit for a small wireless  
17 facility based on such interference if the wireless  
18 provider is not making a good faith effort to remedy  
19 the problem in a manner consistent with the abatement  
20 and resolution procedures for interference with public  
21 safety spectrum established by the FCC including 47  
22 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672  
23 through 47 CFR 90.675;

24 (B) the wireless provider comply with requirements  
25 that are imposed by a contract between an authority  
26 and a private property owner that concern design or

1 construction standards applicable to utility poles and  
2 ground-mounted equipment located in the right-of-way;

3 (C) the wireless provider comply with applicable  
4 spacing requirements in applicable codes and  
5 ordinances concerning the location of ground-mounted  
6 equipment located in the right-of-way if the  
7 requirements include a waiver, zoning, or other  
8 process that addresses wireless provider requests for  
9 exception or variance and do not prohibit granting of  
10 such exceptions or variances;

11 (D) the wireless provider comply with local code  
12 provisions or regulations concerning undergrounding  
13 requirements that prohibit the installation of new or  
14 the modification of existing utility poles in a  
15 right-of-way without prior approval if the  
16 requirements include a waiver, zoning, or other  
17 process that addresses requests to install such new  
18 utility poles or modify such existing utility poles  
19 and do not prohibit the replacement of utility poles;

20 (E) the wireless provider comply with generally  
21 applicable standards that are consistent with this Act  
22 and adopted by an authority for construction and  
23 public safety in the rights-of-way, including, but not  
24 limited to, reasonable and nondiscriminatory wiring  
25 and cabling requirements, grounding requirements,  
26 utility pole extension requirements, acoustic



1 regulations, and signage limitations; and shall comply  
2 with reasonable and nondiscriminatory requirements  
3 that are consistent with this Act and adopted by an  
4 authority regulating the location, size, surface area  
5 and height of small wireless facilities, or the  
6 abandonment and removal of small wireless facilities;

7 (F) the wireless provider not collocate small  
8 wireless facilities on authority utility poles that  
9 are part of an electric distribution or transmission  
10 system within the communication worker safety zone of  
11 the pole or the electric supply zone of the pole;  
12 however, the antenna and support equipment of the  
13 small wireless facility may be located in the  
14 communications space on the authority utility pole and  
15 on the top of the pole, if not otherwise unavailable,  
16 if the wireless provider complies with applicable  
17 codes for work involving the top of the pole; for  
18 purposes of this subparagraph (F), the terms  
19 "communications space", "communication worker safety  
20 zone", and "electric supply zone" have the meanings  
21 given to those terms in the National Electric Safety  
22 Code as published by the Institute of Electrical and  
23 Electronics Engineers;

24 (G) the wireless provider comply with the  
25 applicable codes and local code provisions or  
26 regulations that concern public safety;

1 (H) the wireless provider comply with written  
2 design standards that are generally applicable for  
3 decorative utility poles, or reasonable stealth,  
4 concealment, and aesthetic requirements that are  
5 identified by the authority in an ordinance, written  
6 policy adopted by the governing board of the  
7 authority, a comprehensive plan, or other written  
8 design plan that applies to other occupiers of the  
9 rights-of-way, including on a historic landmark or in  
10 a historic district;

11 (I) subject to subsection (c) of this Section, and  
12 except for facilities excluded from evaluation for  
13 effects on historic properties under 47 CFR  
14 1.1307(a)(4), reasonable, technically feasible and  
15 non-discriminatory design or concealment measures in a  
16 historic district or historic landmark; any such  
17 design or concealment measures, including restrictions  
18 on a specific category of poles, may not have the  
19 effect of prohibiting any provider's technology; such  
20 design and concealment measures shall not be  
21 considered a part of the small wireless facility for  
22 purposes of the size restrictions of a small wireless  
23 facility; this paragraph may not be construed to limit  
24 an authority's enforcement of historic preservation in  
25 conformance with the requirements adopted pursuant to  
26 the Illinois State Agency Historic Resources

1 Preservation Act or the National Historic Preservation  
2 Act of 1966, 54 U.S.C. Section 300101 et seq., and the  
3 regulations adopted to implement those laws; and

4 (J) When a wireless provider replaces or adds a  
5 new radio transceiver or antennas to an existing small  
6 wireless facility, certification by the wireless  
7 provider from a radio engineer that the continuing  
8 operation of the small wireless facility complies with  
9 all applicable FCC standards.

10 (7) Within 30 days after receiving an application, an  
11 authority must determine whether the application is  
12 complete and notify the applicant. If an application is  
13 incomplete, an authority must specifically identify the  
14 missing information. An application shall be deemed  
15 complete if the authority fails to provide notification to  
16 the applicant within 30 days after when all documents,  
17 information, and fees specifically enumerated in the  
18 authority's permit application form are submitted by the  
19 applicant to the authority. Processing deadlines are  
20 tolled from the time the authority sends the notice of  
21 incompleteness to the time the applicant provides the  
22 missing information.

23 (8) An authority shall process applications as  
24 follows:

25 (A) an application to collocate a small wireless  
26 facility on an existing utility pole or wireless

1 support structure shall be processed on a  
2 nondiscriminatory basis and deemed approved if the  
3 authority fails to approve or deny the application  
4 within 90 days; however, if an applicant intends to  
5 proceed with the permitted activity on a deemed  
6 approved basis, the applicant must notify the  
7 authority in writing of its intention to invoke the  
8 deemed approved remedy no sooner than 75 days after  
9 the submission of a completed application; the permit  
10 shall be deemed approved on the latter of the 90th day  
11 after submission of the complete application or the  
12 10th day after the receipt of the deemed approved  
13 notice by the authority; the receipt of the deemed  
14 approved notice shall not preclude the authority's  
15 denial of the permit request within the time limits as  
16 provided under this Act; and

17 (B) an application to collocate a small wireless  
18 facility that includes the installation of a new  
19 utility pole shall be processed on a nondiscriminatory  
20 basis and deemed approved if the authority fails to  
21 approve or deny the application within 120 days;  
22 however, if an applicant intends to proceed with the  
23 permitted activity on a deemed approved basis, the  
24 applicant must notify the authority in writing of its  
25 intention to invoke the deemed approved remedy no  
26 sooner than 105 days after the submission of a

1 completed application; the permit shall be deemed  
2 approved on the latter of the 120th day after  
3 submission of the complete application or the 10th day  
4 after the receipt of the deemed approved notice by the  
5 authority; the receipt of the deemed approved notice  
6 shall not preclude the authority's denial of the  
7 permit request within the time limits as provided  
8 under this Act.

9 (9) An authority shall approve an application unless  
10 the application does not meet the requirements of this  
11 Act. If an authority determines that applicable codes,  
12 local code provisions or regulations that concern public  
13 safety, or the requirements of paragraph (6) require that  
14 the utility pole or wireless support structure be replaced  
15 before the requested collocation, approval may be  
16 conditioned on the replacement of the utility pole or  
17 wireless support structure at the cost of the provider.  
18 The authority must document the basis for a denial,  
19 including the specific code provisions or application  
20 conditions on which the denial was based, and send the  
21 documentation to the applicant on or before the day the  
22 authority denies an application. The applicant may cure  
23 the deficiencies identified by the authority and resubmit  
24 the revised application once within 30 days after notice  
25 of denial is sent to the applicant without paying an  
26 additional application fee. The authority shall approve or

1 deny the revised application within 30 days after the  
2 applicant resubmits the application or it is deemed  
3 approved; however, the applicant must notify the authority  
4 in writing of its intention to proceed with the permitted  
5 activity on a deemed approved basis, which may be  
6 submitted with the resubmitted application. Any subsequent  
7 review shall be limited to the deficiencies cited in the  
8 denial. However, this revised application cure does not  
9 apply if the cure requires the review of a new location,  
10 new or different structure to be collocated upon, new  
11 antennas, or other wireless equipment associated with the  
12 small wireless facility.

13 (10) The time period for applications may be further  
14 tolled by:

15 (A) the express agreement in writing by both the  
16 applicant and the authority; or

17 (B) a local, State, or federal disaster  
18 declaration or similar emergency that causes the  
19 delay.

20 (11) An applicant seeking to collocate small wireless  
21 facilities within the jurisdiction of a single authority  
22 shall be allowed, at the applicant's discretion, to file a  
23 consolidated application and receive a single permit for  
24 the collocation of up to 25 small wireless facilities if  
25 the collocations each involve substantially the same type  
26 of small wireless facility and substantially the same type

1 of structure. If an application includes multiple small  
2 wireless facilities, the authority may remove small  
3 wireless facility collocations from the application and  
4 treat separately small wireless facility collocations for  
5 which incomplete information has been provided or that do  
6 not qualify for consolidated treatment or that are denied.  
7 The authority may issue separate permits for each  
8 collocation that is approved in a consolidated  
9 application.

10 (12) Collocation for which a permit is granted shall  
11 be completed within 180 days after issuance of the permit,  
12 unless the authority and the wireless provider agree to  
13 extend this period or a delay is caused by make-ready work  
14 for an authority utility pole or by the lack of commercial  
15 power or backhaul availability at the site, provided the  
16 wireless provider has made a timely request within 60 days  
17 after the issuance of the permit for commercial power or  
18 backhaul services, and the additional time to complete  
19 installation does not exceed 360 days after issuance of  
20 the permit. Otherwise, the permit shall be void unless the  
21 authority grants an extension in writing to the applicant.

22 (13) The duration of a permit shall be for a period of  
23 not less than 5 years, and the permit shall be renewed for  
24 equivalent durations unless the authority makes a finding  
25 that the small wireless facilities or the new or modified  
26 utility pole do not comply with the applicable codes or

1 local code provisions or regulations in paragraphs (6) and  
2 (9). If this Act is repealed as provided in Section 90,  
3 renewals of permits shall be subject to the applicable  
4 authority code provisions or regulations in effect at the  
5 time of renewal.

6 (14) An authority may not prohibit, either expressly  
7 or de facto, the (i) filing, receiving, or processing  
8 applications, or (ii) issuing of permits or other  
9 approvals, if any, for the collocation of small wireless  
10 facilities unless there has been a local, State, or  
11 federal disaster declaration or similar emergency that  
12 causes the delay.

13 (15) Applicants shall submit applications, supporting  
14 information, and notices by personal delivery or as  
15 otherwise required by the authority. An authority may  
16 require that permits, supporting information, and notices  
17 be submitted by personal delivery at the authority's  
18 designated place of business, by regular mail postmarked  
19 on the date due, or by any other commonly used means,  
20 including electronic mail, as required by the authority.

21 (e) Application fees are subject to the following  
22 requirements:

23 (1) An authority may charge an application fee in an  
24 amount up to the authority's full and reasonable  
25 approximation of costs to review and process an  
26 application ~~of up to \$650 for an application to collocate~~



1 ~~a single small wireless facility on an existing utility~~  
2 ~~pole or wireless support structure and up to \$350 for each~~  
3 ~~small wireless facility addressed in an application to~~  
4 collocate ~~more than~~ one or more small wireless facilities  
5 ~~facility~~ on existing utility poles or wireless support  
6 structures.

7 (2) An authority may charge an application fee of  
8 \$1,000 for each small wireless facility addressed in an  
9 application that includes the installation of a new  
10 utility for such collocation.

11 (3) Notwithstanding any contrary provision of State  
12 law or local ordinance, applications pursuant to this  
13 Section must be accompanied by the required application  
14 fee.

15 (4) Within 2 months after the effective date of this  
16 amendatory Act of the 103rd General Assembly ~~after the~~  
17 ~~effective date of this Act~~, an authority shall make  
18 available application fees consistent with this  
19 subsection, through ordinance, or in a written schedule of  
20 permit fees adopted by the authority.

21 (f) An authority shall not require an application,  
22 approval, or permit, or require any fees or other charges,  
23 from a communications service provider authorized to occupy  
24 the rights-of-way, for: (i) routine maintenance; (ii) the  
25 replacement of wireless facilities with wireless facilities  
26 that are substantially similar, the same size, or smaller if

1 the wireless provider notifies the authority at least 10 days  
2 prior to the planned replacement and includes equipment  
3 specifications for the replacement of equipment consistent  
4 with the requirements of subparagraph (D) of paragraph (2) of  
5 subsection (d) of this Section; or (iii) the installation,  
6 placement, maintenance, operation, or replacement of micro  
7 wireless facilities that are suspended on cables that are  
8 strung between existing utility poles in compliance with  
9 applicable safety codes. However, an authority may require a  
10 permit to work within rights-of-way for activities that affect  
11 traffic patterns or require lane closures.

12 (g) Nothing in this Act authorizes a person to collocate  
13 small wireless facilities on: (1) property owned by a private  
14 party or property owned or controlled by a unit of local  
15 government that is not located within rights-of-way, subject  
16 to subsection (j) of this Section, or a privately owned  
17 utility pole or wireless support structure without the consent  
18 of the property owner; (2) property owned, leased, or  
19 controlled by a park district, forest preserve district, or  
20 conservation district for public park, recreation, or  
21 conservation purposes without the consent of the affected  
22 district, excluding the placement of facilities on  
23 rights-of-way located in an affected district that are under  
24 the jurisdiction and control of a different unit of local  
25 government as provided by the Illinois Highway Code; or (3)  
26 property owned by a rail carrier registered under Section

1 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or  
2 any other public commuter rail service, or an electric utility  
3 as defined in Section 16-102 of the Public Utilities Act,  
4 without the consent of the rail carrier, public commuter rail  
5 service, or electric utility. The provisions of this Act do  
6 not apply to an electric or gas public utility or such  
7 utility's wireless facilities if the facilities are being  
8 used, developed, and maintained consistent with the provisions  
9 of subsection (i) of Section 16-108.5 of the Public Utilities  
10 Act.

11 For the purposes of this subsection, "public utility" has  
12 the meaning given to that term in Section 3-105 of the Public  
13 Utilities Act. Nothing in this Act shall be construed to  
14 relieve any person from any requirement (1) to obtain a  
15 franchise or a State-issued authorization to offer cable  
16 service or video service or (2) to obtain any required  
17 permission to install, place, maintain, or operate  
18 communications facilities, other than small wireless  
19 facilities subject to this Act.

20 (h) Agreements between authorities and wireless providers  
21 that relate to the collocation of small wireless facilities in  
22 the right-of-way, including the collocation of small wireless  
23 facilities on authority utility poles, that are in effect on  
24 the effective date of this Act remain in effect for all small  
25 wireless facilities collocated on the authority's utility  
26 poles pursuant to applications submitted to the authority

1 before the effective date of this Act, subject to applicable  
2 termination provisions. Such agreements entered into after the  
3 effective date of the Act shall comply with the Act.

4 (i) An authority shall allow the collocation of small  
5 wireless facilities on authority utility poles subject to the  
6 following:

7 (1) An authority may not enter into an exclusive  
8 arrangement with any person for the right to attach small  
9 wireless facilities to authority utility poles.

10 (2) The rates and fees for collocations on authority  
11 utility poles shall be nondiscriminatory regardless of the  
12 services provided by the collocating person.

13 (3) An authority may charge an annual recurring rate  
14 to collocate a small wireless facility on an authority  
15 utility pole located in a right-of-way that equals (i)  
16 \$200 per year or (ii) the actual, direct, and reasonable  
17 costs related to the wireless provider's use of space on  
18 the authority utility pole. Rates for collocation on  
19 authority utility poles located outside of a right-of-way  
20 are not subject to these limitations. In any controversy  
21 concerning the appropriateness of a cost-based rate for an  
22 authority utility pole located within a right-of-way, the  
23 authority shall have the burden of proving that the rate  
24 does not exceed the actual, direct, and reasonable costs  
25 for the applicant's proposed use of the authority utility  
26 pole. Nothing in this paragraph (3) prohibits a wireless

1 provider and an authority from mutually agreeing to an  
2 annual recurring rate of less than \$200 to collocate a  
3 small wireless facility on an authority utility pole.

4 (4) Authorities or other persons owning or controlling  
5 authority utility poles within the right-of-way shall  
6 offer rates, fees, and other terms that comply with  
7 subparagraphs (A) through (E) of this paragraph (4).  
8 Within 2 months after the effective date of this Act, an  
9 authority or a person owning or controlling authority  
10 utility poles shall make available, through ordinance or  
11 an authority utility pole attachment agreement, license or  
12 other agreement that makes available to wireless  
13 providers, the rates, fees, and terms for the collocation  
14 of small wireless facilities on authority utility poles  
15 that comply with this Act and with subparagraphs (A)  
16 through (E) of this paragraph (4). In the absence of such  
17 an ordinance or agreement that complies with this Act, and  
18 until such a compliant ordinance or agreement is adopted,  
19 wireless providers may collocate small wireless facilities  
20 and install utility poles under the requirements of this  
21 Act.

22 (A) The rates, fees, and terms must be  
23 nondiscriminatory, competitively neutral, and  
24 commercially reasonable, and may address, among other  
25 requirements, the requirements in subparagraphs (A)  
26 through (I) of paragraph (6) of subsection (d) of this

1 Section; subsections (e), (i), and (k) of this  
2 Section; Section 30; and Section 35, and must comply  
3 with this Act.

4 (B) For authority utility poles that support  
5 aerial facilities used to provide communications  
6 services or electric service, wireless providers shall  
7 comply with the process for make-ready work under 47  
8 U.S.C. 224 and its implementing regulations, and the  
9 authority shall follow a substantially similar process  
10 for make-ready work except to the extent that the  
11 timing requirements are otherwise addressed in this  
12 Act. The good-faith estimate of the person owning or  
13 controlling the authority utility pole for any  
14 make-ready work necessary to enable the pole to  
15 support the requested collocation shall include  
16 authority utility pole replacement, if necessary.

17 (C) For authority utility poles that do not  
18 support aerial facilities used to provide  
19 communications services or electric service, the  
20 authority shall provide a good-faith estimate for any  
21 make-ready work necessary to enable the authority  
22 utility pole to support the requested collocation,  
23 including pole replacement, if necessary, within 90  
24 days after receipt of a complete application.  
25 Make-ready work, including any authority utility pole  
26 replacement, shall be completed within 60 days of

1 written acceptance of the good-faith estimate by the  
2 applicant at the wireless provider's sole cost and  
3 expense. Alternatively, if the authority determines  
4 that applicable codes or public safety regulations  
5 require the authority utility pole to be replaced to  
6 support the requested collocation, the authority may  
7 require the wireless provider to replace the authority  
8 utility pole at the wireless provider's sole cost and  
9 expense.

10 (D) The authority shall not require more  
11 make-ready work than required to meet applicable codes  
12 or industry standards. Make-ready work may include  
13 work needed to accommodate additional public safety  
14 communications needs that are identified in a  
15 documented and approved plan for the deployment of  
16 public safety equipment as specified in paragraph (1)  
17 of subsection (d) of this Section and included in an  
18 existing or preliminary authority or public service  
19 agency budget for attachment within one year of the  
20 application. Fees for make-ready work, including any  
21 authority utility pole replacement, shall not exceed  
22 actual costs or the amount charged to communications  
23 service providers for similar work and shall not  
24 include any consultants' fees or expenses for  
25 authority utility poles that do not support aerial  
26 facilities used to provide communications services or

1 electric service. Make-ready work, including any pole  
2 replacement, shall be completed within 60 days of  
3 written acceptance of the good-faith estimate by the  
4 wireless provider, at its sole cost and expense.

5 (E) A wireless provider that has an existing  
6 agreement with the authority on the effective date of  
7 the Act may accept the rates, fees, and terms that an  
8 authority makes available under this Act for the  
9 collocation of small wireless facilities or the  
10 installation of new utility poles for the collocation  
11 of small wireless facilities that are the subject of  
12 an application submitted 2 or more years after the  
13 effective date of the Act as provided in this  
14 paragraph (4) by notifying the authority that it opts  
15 to accept such rates, fees, and terms. The existing  
16 agreement remains in effect, subject to applicable  
17 termination provisions, for the small wireless  
18 facilities the wireless provider has collocated on the  
19 authority's utility poles pursuant to applications  
20 submitted to the authority before the wireless  
21 provider provides such notice and exercises its option  
22 under this subparagraph.

23 (j) An authority shall authorize the collocation of small  
24 wireless facilities on utility poles owned or controlled by  
25 the authority that are not located within rights-of-way to the  
26 same extent the authority currently permits access to utility



1 poles for other commercial projects or uses. The collocations  
2 shall be subject to reasonable and nondiscriminatory rates,  
3 fees, and terms as provided in an agreement between the  
4 authority and the wireless provider.

5 (k) Nothing in this Section precludes an authority from  
6 adopting reasonable rules with respect to the removal of  
7 abandoned small wireless facilities. A small wireless facility  
8 that is not operated for a continuous period of 12 months shall  
9 be considered abandoned and the owner of the facility must  
10 remove the small wireless facility within 90 days after  
11 receipt of written notice from the authority notifying the  
12 owner of the abandonment. The notice shall be sent by  
13 certified or registered mail, return receipt requested, by the  
14 authority to the owner at the last known address of the owner.  
15 If the small wireless facility is not removed within 90 days of  
16 such notice, the authority may remove or cause the removal of  
17 the facility pursuant to the terms of its pole attachment  
18 agreement for authority utility poles or through whatever  
19 actions are provided for abatement of nuisances or by other  
20 law for removal and cost recovery. An authority may require a  
21 wireless provider to provide written notice to the authority  
22 if it sells or transfers small wireless facilities subject to  
23 this Act within the jurisdictional boundary of the authority.  
24 Such notice shall include the name and contact information of  
25 the new wireless provider.

26 (l) Nothing in this Section requires an authority to

1 install or maintain any specific utility pole or to continue  
2 to install or maintain utility poles in any location if the  
3 authority makes a non-discriminatory decision to eliminate  
4 above-ground utility poles of a particular type generally,  
5 such as electric utility poles, in all or a significant  
6 portion of its geographic jurisdiction. For authority utility  
7 poles with collocated small wireless facilities in place when  
8 an authority makes a decision to eliminate above-ground  
9 utility poles of a particular type generally, the authority  
10 shall either (i) continue to maintain the authority utility  
11 pole or install and maintain a reasonable alternative utility  
12 pole or wireless support structure for the collocation of the  
13 small wireless facility, or (ii) offer to sell the utility  
14 pole to the wireless provider at a reasonable cost or allow the  
15 wireless provider to install its own utility pole so it can  
16 maintain service from that location.

17 (Source: P.A. 102-9, eff. 6-3-21; 102-21, eff. 6-25-21.)