
A BILL FOR AN ACT

RELATING TO INFRASTRUCTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the efficient
2 deployment of broadband infrastructure and technology is
3 important to the global connectivity and economic viability of
4 the State. Among the benefits afforded by an advanced broadband
5 infrastructure system are increased and enhanced educational
6 opportunities, telehealth capacity, safety and civil defense
7 communications, economic competitiveness, consumer privileges,
8 and tourism services.

9 To ensure that consumers throughout the State may benefit
10 from these services as soon as possible, and to provide wireless
11 providers with a fair and predictable process for the deployment
12 of small wireless facilities, the legislature is enacting this
13 Act, which specifies how state and local authorities may
14 regulate the deployment of small wireless facilities and small
15 wireless facilities networks.

16 The purpose of this Act is to facilitate the deployment of
17 high-speed broadband infrastructure in Hawaii by establishing



1 the siting process for small wireless facilities and small
2 wireless facilities networks throughout the State.

3 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended
4 by adding a new section to part VII to be appropriately
5 designated and to read as follows:

6 "§27- Siting process of small wireless facilities and
7 small wireless facilities networks. (a) The State may not
8 prohibit, regulate, or charge for the collocation of small
9 wireless facilities or small wireless facilities networks,
10 except as provided in this section.

11 (b) Small wireless facilities and small wireless
12 facilities networks are permitted uses in all public rights-of-
13 way and property and land use districts; provided that it shall
14 be classified as special or conditional uses on conservation
15 land, in accordance with chapter 205.

16 (c) Wireless providers may place small wireless facilities
17 or small wireless facilities networks on state utility poles,
18 structures, and on light standards; provided that the State may
19 require permits of general applicability for their collocation.
20 The State shall issue permits and approvals in accordance with



1 section 27-45 and chapter 269, and subject to the following
2 application requirements:

3 (1) Applicants may not be required to perform any
4 services, including restoration work not directly
5 related to the collocation, to obtain approval for
6 applications;

7 (2) An application may be denied only if the application
8 does not meet applicable rules regarding construction
9 in the public rights-of-way, building, or electrical
10 codes or standards. The State shall document the
11 basis for any denial, including the specific code
12 provisions or standards on which the denial was based;
13 and

14 (3) An applicant for a small wireless facilities network
15 involving no more than twenty-five individual small
16 wireless facilities of a substantially similar design
17 shall be permitted, upon request by the applicant, to
18 file a consolidated application and receive a single
19 permit for the installation, construction,
20 maintenance, and repair of a small wireless facilities



1 network instead of filing separate applications for
2 each individual small wireless facility.

3 (d) A wireless provider or the wireless provider's
4 licensed contractor may collocate small wireless facilities and
5 small wireless facilities networks on state structures, state
6 utility poles, and light standards on all public rights-of-way
7 and property, subject to reasonable rates, terms, and
8 conditions. The annual recurring rate to collocate a small
9 wireless facility on a state utility pole shall be subject to
10 the rate as provided in 47 Code of Federal Regulations section
11 1.1409(e)(2), as amended.

12 (e) The collocation of small wireless facilities and small
13 wireless facilities networks on state structures located within
14 rural, agricultural, and urban districts, shall be subject to
15 reasonable rates, terms, and conditions. The State may charge
16 an annual rate for these collocations; provided that it is the
17 lesser of:

18 (1) The amount charged for utility pole collocation as set
19 forth in subsection (d);

20 (2) The projected cost to the State resulting from the
21 collocation; or



1 (3) \$500 annually.

2 (f) The State shall authorize a wireless provider or
3 wireless provider's licensed contractor to maintain, repair, or
4 replace the provider's small wireless facilities and small
5 wireless facilities networks with facilities that are
6 substantially the same, or smaller, in size, weight, and height,
7 as existing facilities."

8 SECTION 3. Section 27-41.1, Hawaii Revised Statutes, is
9 amended by adding five new definitions to be appropriately
10 inserted and to read as follows:

11 "Light standard" means a street light, light pole, lamp
12 post, street lamp, lamp standard, or other raised source
13 of light located inside the right-of-way of a public road or
14 highway, or utility easement.

15 "Small wireless facilities" means wireless facilities that
16 have the following qualifications:

17 (1) Each individual antenna, excluding the associated
18 equipment is individually no more than three cubic
19 feet in volume, and all antennas on the structure
20 total no more than six cubic feet in volume; and



1 (2) All other wireless equipment associated with the
2 structure, excluding cable runs for the connection of
3 power and other services, do not cumulatively exceed:

4 (A) Twenty-eight cubic feet for collocations on all
5 non-pole structures, including but not limited to
6 buildings and water tanks, that can support fewer
7 than three providers;

8 (B) Twenty-one cubic feet for collocations on all
9 pole structures, including light poles, traffic
10 signal poles, and utility poles, that can support
11 fewer than three providers;

12 (C) Thirty-five cubic feet for non-pole collocations
13 that can support at least three providers; or

14 (D) Twenty-eight cubic feet for pole collocations
15 that can support at least three providers.

16 "Small wireless facilities network" means a collection of
17 interrelated small wireless facilities designed to deliver
18 wireless communications service.

19 "Utility pole" means a pole or similar structure that is
20 used in whole or in part for communications service, electric



1 service, lighting, traffic control, signage, or similar
2 functions.

3 "Wireless provider" means a person or entity that is:

4 (1) A provider as defined in section 440J-1;

5 (2) A wireless telecommunications service provider as
6 defined in section 269-16.93; or

7 (3) Authorized in accordance with chapter 269 to provide
8 facilities-based telecommunications services in the
9 State and builds, installs, operates, or maintains
10 facilities and equipment used to provide fixed or
11 mobile services through small wireless facilities."

12 SECTION 4. Chapter 46, Hawaii Revised Statutes, is amended
13 by adding a new section to part V to be appropriately designated
14 and to read as follows:

15 "§46- County siting process of small wireless facilities
16 and small wireless facilities networks. (a) Any county may not
17 prohibit, regulate, or charge for the collocation of small
18 wireless facilities or small wireless facilities networks,
19 except as provided in this section.

20 (b) Small wireless facilities and small wireless
21 facilities networks are permitted uses in all public rights-of-



1 way and property and land use districts; provided that these
2 uses shall be classified as special or conditional uses on
3 conservation land, in accordance with chapter 205.

4 (c) Wireless providers may place small wireless facilities
5 or small wireless facilities networks on county-owned utility
6 poles, structures, and on light standards; provided that the
7 county may require permits of general applicability for their
8 collocation. The county shall issue permits and approvals in
9 accordance with section 46-89 and chapter 269, and subject to
10 the following application requirements:

11 (1) Applicants may not be required to perform any
12 services, including restoration work not directly
13 related to the collocation, to obtain approval for
14 applications;

15 (2) A county may deny an application only if the
16 application does not meet applicable rules regarding
17 construction in the public rights-of-way, building, or
18 electrical codes or standards. The county shall
19 document the basis for any denial, including the
20 specific code provisions or standards on which the
21 denial was based; and



1 (3) An applicant for a small wireless facilities network
2 involving no more than twenty-five individual small
3 wireless facilities of a substantially similar design
4 shall be permitted, upon request by the applicant, to
5 file a consolidated application and receive a single
6 permit for the installation, construction,
7 maintenance, and repair of a small wireless facilities
8 network instead of filing separate applications for
9 each individual small wireless facility.

10 (d) A wireless provider or the wireless provider's
11 licensed contractor may collocate small wireless facilities and
12 small wireless facilities networks on county-owned structures,
13 utility poles, and light standards on all public rights-of-way
14 and property, subject to reasonable rates, terms, and
15 conditions. The annual recurring rate to collocate a small
16 wireless facility on a county-owned utility pole shall be
17 subject to the rate as provided in 47 Code of Federal
18 Regulations section 1.1409(e) (2), as amended.

19 (e) The collocation of small wireless facilities and small
20 wireless facilities networks on county-owned structures located
21 within rural, agricultural, and urban districts, as defined in



1 chapter 205, shall be subject to reasonable rates, terms, and
2 conditions. The county may charge an annual rate for these
3 collocations; provided that it is the lesser of:

4 (1) The amount charged for utility pole collocation as set
5 forth in subsection (d);

6 (2) The projected cost to the county resulting from the
7 collocation; or

8 (3) \$500 annually.

9 (f) The county shall authorize a wireless provider or
10 wireless provider's licensed contractor to maintain, repair, or
11 replace the provider's small wireless facilities and small
12 wireless facilities networks with facilities that are
13 substantially the same, or smaller, in size, weight, and height,
14 as existing facilities.

15 (g) As used in this section, unless context differs
16 otherwise:

17 "Light standard" has the same meaning as in section 27-
18 41.1.

19 "Small wireless facilities" has the same meaning as in
20 section 27-41.1.



H.B. NO. 625

1 "Small wireless facilities network" has the same meaning as
2 in section 27-41.1.

3 "Utility pole" has the same meaning as in section 27-41.1.

4 "Wireless provider" has the same meaning as in section 27-
5 41.1."

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2017.

8

INTRODUCED BY:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

JAN 20 2017



H.B. NO. 625

Report Title:

Broadband; Small Wireless Facilities; Siting Process; State and County Land

Description:

Establishes the siting process of infrastructure for small wireless facilities and small wireless facilities networks on state and county owned land.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

