

Honolulu, Hawaii

MAR 24 2017

RE: H.B. No. 625
H.D. 3
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Economic Development, Tourism, and Technology, to which was referred H.B. No. 625, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO INFRASTRUCTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a collocation permitting, application, review and approval process for telecommunications companies proposing to install broadband infrastructure on state or county structures, utility poles, light standards, or buildings; and
- (2) Establish the siting process for the installation of broadband infrastructure on state or county structures, utility poles, light standards, or buildings.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Office of Planning; Department of Transportation; Chamber of Commerce Hawaii; Hawaiian Electric Company, Inc.; CTIA; Verizon; and one individual. Your Committees received testimony in opposition to this measure from the Airport Concessionaires Committee; Office of the Mayor for the City and County of



Honolulu; Mayor, County of Hawaii; Department of Public Works, County of Hawaii; and Charter Communications. Your Committees received comments on this measure from Department of Commerce and Consumer Affairs and Hawaiian Telcom.

Your Committees find that efficient deployment of broadband infrastructure and technology is vital for positioning the State to remain competitive in a global economy. Advanced broadband infrastructure systems offer enhanced educational opportunities, telehealth capacity, safety and civil defense communications, economic competitiveness, consumer privileges, and tourism services. However, to provide all consumers with the benefits of advanced broadband technology, it is important to create a fair and predictable process for the deployment of small wireless facilities and small wireless facilities networks. Accordingly, this measure creates a process for the review and issuance of collocation permit applications for telecommunications companies seeking to install broadband infrastructure on utility poles, buildings, structures, or light standards owned by the State or county for the siting of small wireless facilities and wireless facilities networks.

Your Committees find that it is important for providers to bear the costs of necessary upgrades and the repair of any damage they may cause to state- or county-owned utility poles, light standards, buildings, or structures. Your Committees are concerned that this measure does not go far enough in holding small wireless facilities and small wireless facilities networks providers responsible for damage caused by or upgrades required for the siting of the providers' facilities.

Your Committees also understand the concerns raised by the Airport Concessionaires Committee regarding this measure's potential interference with newly executed concessions contracts with the airports. Consequently, it is important to ensure that this measure will not impact the airports or their contracts.

Your Committees also recognize the many concerns raised by the City and County of Honolulu, including: concerns for public safety; the scope of providers' abilities to place equipment on City-owned utility poles, structures, and light standards; the impacts on public use of rights-of-way; the decommissioning of



abandoned wireless facilities; and interference from small wireless facilities with necessary government transmissions.

Accordingly, your Committees have amended this measure by:

- (1) Establishing a new chapter in title 15 of the Hawaii Revised Statutes relating to permits for broadband equipment and micro wireless facilities, and collocation of small wireless facilities and small wireless facilities networks applicable to state and county agencies;
- (2) Limiting the siting of small wireless facilities and small wireless facilities networks to only state-owned or county-owned utility poles, light standards, buildings, and structures;
- (3) Amending the application submission and evaluation requirements and application review process for a permitted use permit for installation of broadband equipment, small wireless facilities, and small wireless facilities networks on state-owned or county-owned utility poles, light standards, buildings, or structures;
- (4) Amending the conditions and restrictions that apply to the collocation of small wireless facilities and small wireless facilities networks on state-owned and county-owned utility poles, light standards, buildings, and structures, including but not limited to:
 - (A) Creating an exception for state-owned airport properties;
 - (B) Allowing the State or county to deny a permit due to health and public safety concerns;
 - (C) Amending the requirements for submitting a consolidated application to receive a single permit for a small wireless facilities network, rather than multiple permits for individual small wireless facilities;

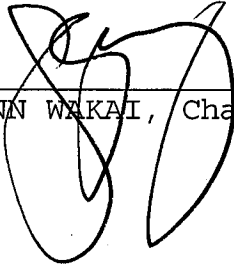


- (D) Establishing conditions under which a wireless provider may install an upgraded utility pole, light standard, building, or structure and specifying that the provider is responsible for the maintenance and repairs to its facilities on the utility pole, light standard, building, or structure and any damage caused to the utility pole, light standard, building, or structure;
 - (E) Authorizing the State or county to reserve space on its respective light standards and utility poles for up to twelve months under certain conditions; and
 - (F) Requiring wireless providers to decommission, and bear the costs of decommissioning, micro wireless facilities, small wireless facilities, and small wireless facilities network under certain conditions;
- (5) Adding definitions to sections 27-41.1 and 46-15.6, Hawaii Revised Statutes;
 - (6) Inserting an effective date of May 22, 2050, to encourage further discussion; and
 - (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Economic Development, Tourism, and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 625, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 625, H.D. 3, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Economic
Development, Tourism, and
Technology,



GLENN WAKAI, Chair

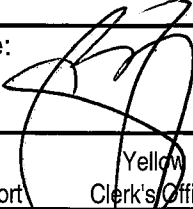


CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
HB 625, HD 3	PSM/ETT, CPH/WAM	3/20/17
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
NISHIHARA, Clarence K. (C)	✓	
WAKAI, Glenn (VC)	✓	
BAKER, Rosalyn H.	✓	
IHARA, Jr., Les		
THIELEN, Laura H.	✓	
TOTAL	4	0
		0
		1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
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Goldenrod Committee File Copy		

*Only one measure per Record of Votes

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ETT

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<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BAKER, Rosalyn H.	✓			
GALUTERIA, Brickwood	✓			
THIELEN, Laura H.	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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