

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 898

Introduced by Friesen, 34.

Read first time January 09, 2020

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to telecommunications and technology; to
- 2 define terms; and to provide for applications for the collocation of
- 3 certain wireless facilities.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Authority means the State of Nebraska or any agency, county,
3 city, village, or other political subdivision whose authorization is
4 necessary prior to the deployment of a wireless facility;

5 (b) Collocate or collocation means to install or place a wireless
6 facility on or adjacent to existing structures, including, but not
7 limited to, buildings, electrical transmission towers, poles, towers,
8 water towers, and other structures capable of supporting the attachment
9 of wireless facilities in compliance with applicable codes;

10 (c) Eligible facilities request means a request (i) to modify an
11 existing tower or wireless support structure that hosts a wireless
12 facility and (ii) that does not substantially change the physical
13 dimensions of such tower or wireless support structure;

14 (d) Substantially change means to modify the physical dimensions of
15 an existing tower or wireless support structure that hosts a wireless
16 facility if such modification:

17 (i) Increases the height of a tower outside the public right-of-way
18 by more than ten percent or the height of one additional antenna array
19 with a separation not to exceed twenty feet, whichever is greater, or
20 increases the height of a tower inside the public right-of-way by more
21 than ten percent or the height of one additional antenna array with a
22 separation not to exceed ten feet, whichever is greater. Such increases
23 shall be measured from the existing tower's approved height;

24 (ii) Involves adding an appurtenance to a tower not in the public
25 right-of-way that would protrude more than twenty feet or the width of
26 the tower, whichever is greater, or involves adding an appurtenance to
27 the body of a tower in the public right-of-way that would protrude by
28 more than six feet;

29 (iii) Involves the installation of more than the standard number of
30 new equipment cabinets, not to exceed four equipment cabinets; or

31 (iv) Involves excavation or deployment outside the current site that

1 would increase the size of the equipment compound by more than two
2 thousand five hundred square feet;

3 (e) Tower means any structure built for the sole or primary purpose
4 of supporting any licensed or authorized antennas and associated
5 facilities, including structures constructed for wireless communications;

6 (f)(i) Wireless facility means equipment at a fixed location that
7 enables wireless communications between user equipment and a
8 communications network, including (A) equipment associated with wireless
9 communications and (B) radio transceivers, antennas, coaxial or fiber-
10 optic cable, regular power supply, and small back-up battery, regardless
11 of technological configuration. Wireless facility does not include a
12 small wireless facility.

13 (ii) Wireless facility does not include (A) the structure or
14 improvements on, under, or within the equipment which is collocated, (B)
15 coaxial or fiber-optic cable that is between wireless structures or
16 utility poles or that is otherwise not immediately adjacent to, or
17 directly associated with, a particular antenna, or (C) a wireline
18 backhaul facility;

19 (g) Wireless support structure means a structure, such as a tower or
20 other existing or proposed structure designed to support or capable of
21 supporting wireless facilities other than a structure designed solely for
22 the collocation of a small wireless facility.

23 (2) Subject to the limitations in this section, an authority may fix
24 and charge an application fee for the submission, processing, and review
25 of an eligible facilities request to collocate a new wireless facility,
26 site a new wireless support structure, or substantially change an
27 existing wireless facility or wireless support structure. The application
28 fee shall be based on the authority's actual, direct, and objectively
29 reasonable costs incurred for all aspects of an application review
30 process. Any costs incurred by an authority for review by an outside
31 consultant shall be included in the application fee, shall be based on

1 objectively reasonable costs, and shall not exceed the usual and
2 customary fee charged for the services provided. If an applicant
3 significantly amends a previously filed application, an authority may
4 impose an additional, objectively reasonable, cost-based fee for actual
5 costs incurred by the authority for reviewing such amendment. The charges
6 included in the application fee or amended application fee shall be
7 itemized and separately identified and disclosed to the applicant. The
8 application fee imposed by an authority shall not be used for:

9 (a) Travel time or expenses, meals, or overnight accommodations
10 incurred in the review of an application by an outside consultant; or

11 (b) Reimbursement for a consultant that is based on a contingent fee
12 or a results-based arrangement.

13 (3) An application fee under this section shall not exceed:

14 (a) Five hundred dollars for the review of an eligible facilities
15 request or collocation application on an existing wireless support
16 structure; or

17 (b) One thousand dollars for the review of an application to place a
18 new tower and associated wireless facility.

19 (4) Nothing in this section shall be construed to apply to an
20 application submitted to an authority pursuant to the Small Wireless
21 Facilities Deployment Act.