

THIS PRINT COVERS CALENDAR ITEM NO.: 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Rescind the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets; rescind the ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles; and delegate authority to the Director of Transportation to oversee the program for the leasing and licensing of space on the SFMTA-owned property for installation of communications antennas, and modify application review processes, fees and other aspects of the program as appropriate.

SUMMARY:

- On July 15, 2014, the SFMTA Board adopted the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets (ODAS Policy), and approved a form Master Outdoor Distributed Antenna System Pole License Agreement.
- On November 3, 2015, the SFMTA Board adopted the ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles (Unpowered Pole Policy).
- On February 16, 2016, the SFMTA Board adopted the updated ODAS Policy to reflect an updated process for agreements concerning parking garages.
- The wireless facilities program has matured since inception creating the need for greater flexibility to efficiently respond to the emerging wireless industry.

ENCLOSURES:

1. SFMTAB Resolution
2. Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets
3. Outdoor Distributed Antenna System (ODAS) Pole Selection Policy and Charges for Unpowered and Unmapped Poles

APPROVALS:

DATE

DIRECTOR  _____

October 8, 2019

SECRETARY  _____

October 7, 2019

ASSIGNED SFMTAB CALENDAR DATE: October 15, 2019

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PURPOSE

Rescind the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets; rescind the ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles; and delegate authority to the Director of Transportation to oversee the program for the leasing and licensing of space on the SFMTA-owned property for installation of communications antennas, and modify application review processes, fees and other aspects of the program as appropriate.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The item will support the following goals and objectives of the SFMTA Strategic Plan:

Goal 3: Improve the environment and quality of life in San Francisco:
Objective 3.5: Achieve financial stability for the agency

The item will have no effect on any Transit First Policy Principles.

DESCRIPTION

1. Recommendation to Rescind the ODAS Policy and Delegate Authority to the Director of Transportation to Modify the Program.

The ODAS Policy Adopted in 2014

On July 15, 2014, the SFMTA Board adopted the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets (ODAS Policy) and approved a form Master Outdoor Distributed Antenna System Pole License Agreement (Master License Agreement), allowing wireless telecommunication companies (Licensees) to install their wireless antennas and equipment (ODAS Equipment) on the SFMTA poles. Thereafter, each Licensee must enter into a separate license for each pole the Licensee wishes to use. The ODAS Policy detailed the SFMTA's review process and fees to create a structure for this new program. On February 16, 2016, the SFMTA Board updated the policy and adopted the Form Communication Site Lease Agreement (FLA), an agreement for all telecommunication companies wishing to install wireless antennas on the SFMTA parking garages.

Within the last five years, wireless cellular companies have been using poles and garages within city limits to build their wireless networks. Four wireless telecommunication companies have signed the Master License Agreement, and currently the SFMTA has 248 active pole licenses, benefitting the SFMTA with revenue, the telecommunication companies with coverage, and the public with improved cellular service. There are six existing FLAs governing antennas atop the SFMTA parking garages.

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The ODAS Policy Is No Longer Needed

The reason the ODAS Policy was adopted and the review process was spelled out in such policy was that the program was at its infancy—review processes and responsibilities had yet to be performed, Licensees had yet to sign the Master License Agreements or submit an application to install ODAS Equipment, and administration of the program was theoretical. Since ODAS Policy inception five years ago, the wireless program has matured to the stage where the existing Policy is no longer needed. Additionally, operational changes have been made relative to the City's and the SFMTA planning roles in the review process making the existing Policy's description obsolete.

Moreover, state and federal law regarding installation of ODAS Equipment on municipal property is constantly changing in response to the emerging wireless industry. Given the maturation of the program, and evolving legal requirements, the necessity to delegate authority to the Director of Transportation (DOT) to modify the program and be responsive to changing needs in the future is the appropriate next step in the program's development.

Citywide Changes to the ODAS Review Process

As one example of recent changes in the law, on September 26, 2018, the Federal Communications Commission (FCC) issued an order (FCC No. FCC 18-133) shortening municipalities, including the City's, deadlines for reviewing applications for ODAS Equipment to 60 days, citing an urgent national need to bring 5G (fifth generation mobile networks) across the United States. At the time, the average application took 90-180 days to review, as the process required not only the approval of the SFMTA (as pole owner), but the additional approval of Public Works under Article 25 of the Public Works Code as well as Planning. In addition, the FCC order limited municipalities' authority regarding charging wireless carriers for use of their poles. The City and other local governments have sought review of the FCC order, and it currently is under review in the United States Court of Appeals for the Ninth Circuit.

To comply with the FCC order's deadline, in August 2019, the Board of Supervisors enacted Ordinance No. 190-19, amending Article 25 of the Public Works Code to remove the SFMTA and San Francisco Public Utilities Commission (SFPUC) owned poles from Public Works permitting process for ODAS Equipment. In response, the SFMTA now has additional approval responsibilities, which Public Works previously performed. First, the SFMTA will need to verify that each installation of ODAS Equipment complies with the radiofrequency emissions and noise standards, which will require the SFMTA staff to coordinate directly with the Department of Public Health for each application. Second, the SFMTA also needs to verify that each proposed installation of ODAS Equipment complies with the California Environmental Quality Act (CEQA).

Proposed Executive Directives

To address these new duties, staff recommends that, as part of the delegation of authority to the DOT to modify the program going forward, the Board authorize the DOT to issue Executive Directives for each Licensee to set forth the approval standards for the next phase of the program. The SFMTA and SFPUC (both pole owners) have worked with the City Attorney's Office and Planning to draft the proposed Executive Directives, which include objective standard designs for ODAS Equipment consistent with the aesthetic criteria as articulated in Article 25 of the Public Works Code and the San Francisco General Plan, and the radio frequency review

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described above. Once finalized, the Executive Directives would be subject to CEQA. Upon completion of CEQA review, the DOT will issue the Executive Directives. The Executive Directives will direct the SFMTA staff to ensure that the applications meet the requirements stated therein in reviewing up to 150 applications per Licensee per year for ODAS Equipment. The proposed Executive Directives would be executed annually for each Licensee.

Finally, the SFMTA intends to charge additional cost-recovery fees to account for its new approval responsibilities. Currently, the SFMTA charges a fee of \$250 per pole license application. However, performing the new responsibilities of verifying compliance for each application with safety, radiofrequency, and noise standards, as well as CEQA, will require the SFMTA to expend additional staff time and incur expenses and require greater coordination with other City departments. It is anticipated that the additional fees will be a fixed amount per application, collected in addition to the current application fee, to recover the added labor resources and expenses incurred, and that they may need further adjustment upon assessment.

2. Recommendation to Rescind the Unpowered ODAS Pole Policy.

On November 3, 2015, the SFMTA Board of Directors adopted the Outdoor Distributed Antenna System Pole Selection Policy and Charges for Unpowered and Unmapped Poles (Unpowered Pole Policy) to allow the SFMTA to license poles that lacked electrical power to Licensees. Under such policy, the prices telecommunication companies would pay to the SFMTA were: a) \$10,000 to add a conduit from the power source to the pole; b) \$15,000 to lift and reset the pole; c) \$20,000 to replace the pole with a new pole. As of September 6, 2019, 30 applications were for category a) conduit add, none have been under category b) lift and reset, and 71 have been for category c) pole replacement.

a) \$10,000 Conduit-Add Option Already Eliminated. The SFMTA Overhead Lines (OHL) division has recommended the elimination of the \$10,000 option of adding a conduit from the power source to the pole citing concerns regarding the construction methods used by the licensees. As a result, applications proposing a conduit-add have since been denied and required pole replacement.

b) No Licensees \$15,000 Lift-and-Reset Option. No Licensees have been interested in the \$15,000 option to lift and reset the pole. It has been voiced that they are cost prohibitive.

c) \$20,000 Replacement Fee. Replacing the pole and foundation is the only feasible way to get power to unpowered poles. Licensees pay the SFMTA \$20,000 for the price of the pole, the added professional review leading up to installation, and limited OHL supervision during installation. However, under this system, the SFMTA purchases, stores, and provides poles to Licensees, and a major component of that \$20,000 fee is to reimburse the SFMTA for those costs. Recently, pole prices have drastically increased. The SFMTA can no longer keep the pole replacement fee at \$20,000. Furthermore, storage space at the SFMTA's existing pole yard has reduced, as OHL has moved in May 2019 from 1401 Bryant Street to 1580 Burke Street, a space that has less storage space.

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Rather than increase the pole replacement fee, the SFMTA staff recommends that the SFMTA allow the Licensee to (at Licensee's expense) purchase, store, and install per the SFMTA specifications, and rescind the Outdoor Distributed Antenna System Pole Selection Policy and Charges for Unpowered and Unmapped Poles. OHL will invoice Licensees directly for time and labor costs.

STAKEHOLDER ENGAGEMENT

Licensees have been aware of the SFMTA's updated review process, participated in the drafting of the proposed Executive Directive and objective standards through the City process, as well as the SFMTA's desire to add fees. Licensees were notified of this calendar item on Friday September 20, 2019.

Pursuant to Section 10 of the SFMTA Board of Directors' Rules of Order regarding changes to fares, fees, rates and charges, advertisements are required to be placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on October 15, 2019 to consider the elimination of proprietary charges of \$10,000, \$15,000 and \$20,000 to licensees that have entered into Master Outdoor Distributed Antenna System Pole License Agreement and having Licensees provide new poles according to the SFMTA specifications going forward. The advertisement ran in the San Francisco Examiner for a five-day period beginning on October 3, 2019.

ALTERNATIVES CONSIDERED

Staff considered redrafting or amending the existing policy to revise the prescribed review process and the charging of additional fees. However, because the state and federal laws governing installation of ODAS Equipment on municipal property are constantly changing in this emerging industry, this was not deemed the best option. With this background in mind, the benefit of experience administering the program over the past five years, and the legal framework governing the parties' relationships as set forth in the FLAs and Master License Agreements, staff has determined the formal policy is no longer the best means by which to administer the program. Staff concluded that the modification of the program going forward should be within DOT's executive power. This conclusion has further support in the fact that nominal changes to the application fees and charges (which may be readjusted upon assessment) are ministerial changes, and cost-recovery charges are also evolving.

With regard to the Unpowered Pole Policy, staff considered 1) increasing the pole replacement fee, and 2) keeping the current pole replacement fee of \$20,000 and individually invoicing Licensees for the difference. Neither of these alternatives is recommended, as they would require unwarranted staff time and costs in response to changing market conditions. Moreover, neither addresses the problem of the reduction of space at the existing pole yard.

FUNDING IMPACT

Eliminating the ODAS Policy will not have a direct funding impact on the SFMTA, as the fees are cost recovery and the rents under the program are set to increase a minimum of three percent per year under the Board-approved Master License Agreements. If the SFMTA does not add

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fees, full cost recovery will never be realized. If the number of applications increase significantly, such fees will allow the SFMTA to appropriately resource this program.

ENVIRONMENTAL REVIEW

On September 18, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the elimination of the Outdoor Distributed Antenna System Pole Selection Policy and Charges for Unpowered and Unmapped Poles is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

On September 26, 2019 the SFMTA, under authority delegated by the Planning Department, determined that the following two actions are not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b): 1) elimination of the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets, and 2) delegation of authority to the Director of Transportation to modify the aforementioned program.

Any installations of wireless equipment on poles and facilities resulting from the policies described above would be subject to CEQA, and would be evaluated and documented as appropriate under CEQA prior to approval.

A copy of the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this report. No other approval is required.

RECOMMENDATION

Rescind the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets; rescind the ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles; and delegate authority to the Director of Transportation to oversee the program for the leasing and licensing of space on the SFMTA-owned property for installation of communications antennas, and modify application review processes, fees and other aspects of the program as appropriate.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On July 15, 2014, the SFMTA Board adopted the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets (ODAS Policy), outlining the SFMTA's review process and fees for wireless telecommunication companies to install ODAS equipment on the SFMTA poles and a form Master Outdoor Distributed Antenna System Pole License Agreement (Master License Agreement), which establishes the terms and conditions governing such installations; and,

WHEREAS, On November 3, 2015, the SFMTA Board adopted the ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles (Unpowered Pole Policy) regarding charges to licensees to bring power to unpowered poles; and,

WHEREAS, On February 16, 2016, the SFMTA Board adopted the updated ODAS Policy to reflect an updated process for agreements for placement of wireless facilities on the SFMTA owned and managed parking garages; and,

WHEREAS, While the initial purpose for the ODAS Policy was to create structure for the program in its infancy, the program has matured over the last five years with six executed Form Communication Site Lease Agreements, four executed Master License Agreements, and 247 active pole licenses. In addition, given the evolving legal requirements governing this emerging industry, the necessity to delegate authority to the Director of Transportation to modify the program and be responsive to changing needs in the future is the appropriate next step in the program's development; and,

WHEREAS, The amendment of Article 25 of the Public Works Code has resulted in additional approval responsibilities for the SFMTA, including the verification of radiofrequency emissions standards and compliance with CEQA. Proposed Executive Directives would include objective standard designs for ODAS Equipment consistent with the aesthetic criteria as articulated in Article 25 of the Public Works Code and the San Francisco General Plan, along with radio frequency review; and,

WHEREAS, Of the three initial options to bring power to poles under the Unpowered Pole Policy, only one is feasible. With the rising cost of poles and reduction in storage at the pole yard, staff recommends that the SFMTA allow the Licensee to (at Licensee's expense) purchase, store, and install per the SFMTA specifications; and,

WHEREAS, On September 18, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the elimination of the Outdoor Distributed Antenna System Pole Selection Policy and Charges for Unpowered and Unmapped Poles is not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, On September 26, 2019 the SFMTA, under authority delegated by the Planning Department, determined that the following two actions are not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California

Code of Regulations Sections 15060(c) and 15378(b): 1) elimination of the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets, and 2) delegation of authority to the Director of Transportation to modify the aforementioned program; and,

WHEREAS, Any installations of wireless equipment on poles and facilities resulting from the policies described above would be subject to CEQA, and would be evaluated and documented as appropriate under CEQA prior to approval; and,

WHEREAS, A copy of the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors rescinds the Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets; rescinds the ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles; and delegates authority to the Director of Transportation to oversee the program for the leasing and licensing of space on the SFMTA-owned property for installation of communications antennas, and modify application review processes, fees and other aspects of the program as appropriate.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting October 15, 2019.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Policy for Placement of Wireless Facilities on SFMTA Owned and Managed Real Estate Assets

1. Purpose:

The purpose of this Policy is to set forth a SFMTA policy for placement of wireless telecommunication infrastructure on SFMTA owned and/or managed real estate assets, including parking garages (Parking Garages) and support poles (Poles) for overhead traction power lines, thereby supporting Section 8A of the City Charter.

2. Scope:

This Policy applies to all telecommunications entities which seek to place wireless telecommunication infrastructure on SFMTA owned and/or managed real estate assets and other properties. Emergency response is exempted from this policy.

3. Responsibilities:

The Strategic Real Estate Section of SFMTA's Finance and Information Technology Division will manage all documents relating to the placement of wireless telecommunication infrastructure on SFMTA owned and/or managed real estate assets and will coordinate with applicable SFMTA divisions and City departments on the review and processing of the transactions.

As applicable, each SFMTA division will be responsible for reviewing and processing applications, drawings, agreements, permits, construction and payments relating to the wireless telecommunication infrastructure. SFMTA, exercising its authority as property owner or manager of the Parking Garages and Poles, will consult with the San Francisco Department of City Planning for design review of all installations.

4. Policy:

SFMTA has an extensive portfolio of owned and/or managed real estate assets and other properties located throughout San Francisco, and as a result, private telecommunication companies have from time to time sought to place wireless telecommunication infrastructure on these assets. SFMTA supports the expansion of wireless telecommunication services for its customers and desires to maximize the economic value of its real estate assets through leased/licensed revenue arrangements, so long as this is balanced against SFMTA's own operational and use needs. Therefore, this policy sets forth the guidelines by which SFMTA will consider proposals for placement of wireless telecommunication infrastructure on SFMTA owned or managed real estate assets.

4.1. Application and Processing Fee. An applicant shall submit an application and non-refundable fee to the SFMTA for review, coordination and processing of the wireless telecommunication infrastructure proposal. The fee will also apply to any requests for: (i) major amendments to existing agreements, (ii) co-locations including sublicensing,

(iii) consent to assignment of the lease or license, and (iv) changes or upgrades to existing wireless telecommunication infrastructure. The fee is currently \$2,500; With an additional \$2,000 fee for projects that require SFMTA Board of Directors' and San Francisco Board of Supervisors' approval, and may be adjusted periodically by the SFMTA Director of Transportation.

4.2. Agreement/s. A fully executed agreement and/or amended agreement between SFMTA and the Lessee/Licensee shall be required prior to any placement or change of any

wireless telecommunication equipment on any SFMTA owned and/or managed Parking Garages or Poles. SFMTA Board of Directors' approval will be required for all form Communication Site Lease agreement (FLA) and Master License agreement (MLA) proposing terms or changes to the agreement different from what the SFMTA Board and, with respect to the MLA, the San Francisco Board of Supervisors have already approved. SFMTA staff will consult with Lessee/Licensee on required approval processes for each individual submittal. The agreement will include, at minimum, provisions for the following:

a). Standardized FLA/MLA. The basic form of agreement for Parking Garage installation will proceed with a FLA, and poles installation will proceed with a MLA, as amended from time to time by SFMTA. Pole installation will also require a Pole License per individual pole installation, subject to the review process described below.

b). Term. The term of an individual agreement may vary and will be based upon SFMTA staff's assessment of the specific real estate asset. In no event may an agreement, including options to extend, exceed 9.5 years without SFMTA Board and Board of Supervisors' approval.

c). Co-Location. Co-location on SFMTA Parking Garages requires SFMTA's written consent. Co-location on SFMTA Poles should be limited to one Licensee per pole for aesthetic purposes.

d). Interference. No wireless telecommunication infrastructure may interfere with City's own telecommunication systems or operational uses, or with any emergency response, regardless of when the SFMTA, City or emergency response installations occur.

e). Relocation. The agreement will contain a provision for relocating wireless telecommunication infrastructure at the applicant's sole cost if deemed necessary for

SFMTA's use or needs. The agreement will also contain a waiver of federal and state relocation benefits by the applicant.

f). Termination. SFMTA shall have the right to terminate an agreement if deemed necessary for SFMTA's use or needs, subject to the terms included in the FLA/MLA. The intent behind this termination, while broad and sweeping, is to provide the Agency with the ability to terminate the FLA/MLA for redevelopment, sale or some other unforeseen circumstance other than re- negotiation of commercial terms relative to rates or term.

g). Insurance. All Lessees/Licensees must carry insurance that meets or exceeds the requirements set out in SFMTA's FLA/MLA. Individual Lessee/Licensee deviations to the specific coverage requirements may be evaluated by the City's Risk Manager and Strategic Real Estate as needed.

4.3. Review Process. This section describes the review process for a typical Parking Garage or Pole installation proposal. Proposals that involve unique circumstances may require additional review timeline as needed, subject to reasonable discretion of SFMTA staff.

a). Parking Garages antenna/equipment.

1. Potential Lessee contacts SFMTA with request to consider a given site and an explanation of the conceptual scope of work they would be performing. If necessary, SFMTA staff meets on-site to assess the practicality of Lessee's request. If the department agrees in principle, then;
2. The Lessee will be directed from SFMTA to contact the Planning Department for a "Project Review Meeting." All Planning Department required applications and fees apply (see Section 6(g) of the Planning Department Schedule of Application Fees).
3. Once conceptual Planning support is received, a Lessee desiring to move forward with the negotiation of an agreement must provide SFMTA with a complete submittal packet (NOT individual submittals) including all of the following:
 - a) A photo of any and all proposed equipment
 - b) A detailed set of drawings showing current and future equipment. Any equipment being added should be clearly identified and depicted in red.
 - c) A licensed Structural Engineer's written opinion and calculations concerning any loads on floor slabs or walls and detailed installation instructions concerning coring, fastening and how water intrusion will be prevented. One original wet stamped plan set is required.
 - d) If Lessee requests changes to the FLA, submit a redlined copy of any proposed changes along with a synopsis of why those changes are being requested.
4. SFMTA staff will route plans to requisite SFMTA departments to conduct

necessary internal review. The Lessee is solely responsible for the structural integrity of all installations.

5. SFMTA staff will, upon receipt of a complete set of plans, review the proposed Lessee's submission, and any proposed changes, and respond to the Lessee within 45 business days. Staff will provide the required approval path to Lessee at this time.
6. Once all terms and language within the FLA are agreed upon, SFMTA staff will forward signature copies of the FLA for execution by the Lessee and return to SFMTA's Strategic Real Estate.
7. If FLA terms require SFMTA Board of Directors' or San Francisco Board of Supervisors' approval, SFMTA staff will prepare the necessary briefing letter and resolution for public hearing and consideration. SFMTA Board meetings generally require a 30 day lead time for required review and public noticing.
8. If the SFMTA Board approves the resolution, a Board of Supervisors (BOS) resolution will be prepared and submitted for consideration at the next upcoming BOS meeting. Timelines for BOS approval vary from 30 to 60 days. Staff will work with Lessee to navigate this process as efficiently as practicable.
9. Once all required approvals are received, the FLA will be forwarded to the Director of Transportation for final execution. Upon SFMTA's final signature of the FLA and SFMTA's receipt of all required documentation, including insurance and security deposit, Lessee will receive authorization to enter into the premises to either establish the site or make changes per the approved FLA.

b) Pole mounted antenna/equipment

1. Proposed Licensee files initial application with SFMTA for MLA of pole-mounted equipment and antennae accepting the form agreement. SFMTA Board approval is required for approval of any changes to the form agreement. Initial application must include number of poles on which installation is proposed and general Pole locations.
2. SFMTA staff reviews the proposed Licensee's submission and any proposed changes to the MLA, and respond to the Licensee within 30 business days.
3. If Licensee agrees to form agreement, and SFMTA staff review is complete, SFMTA will sign the MLA within 15 business days. Business days spent awaiting signature by Licensee does not count toward this term.
4. If changes are proposed, once terms are set by Licensee and staff, SFMTA staff will calendar the MLA for the next available SFMTA Board of Directors' and San Francisco Board of Supervisors' agenda. SFMTA Board of Directors' and Board of Supervisors' meetings generally require 60 days lead time for required review and public noticing.
5. Once MLA is executed, Licensee may prepare individual Pole License submittals.

4.4. Permits and Approvals. Lessee/Licensee must obtain all the necessary permits and approvals before the installation of approved work.

- a). SFMTA owned or managed Parking Garages. For equipment on an SFMTA owned or managed Parking Garages, the approved plans are in Exhibit C of the agreement.

- b). SFMTA Pole License. For equipment on SFMTA's Poles, the applicant must first receive a Pole License for each proposed installation. Each Pole License requires a separate application and fee.
 - 1. Once Master License agreement is approved, Licensee must submit an individual Pole License application, and pay a Pole license fee of \$250 per pole, to SFMTA. Complete License application packages must include the following for each proposed installation: 1) precise pole location and photos of poles, 2) proposed antenna and equipment design (with existing and proposed renderings), and 3) mounting details and engineering specifications. Pole Installation License applications should be grouped no less than 10 poles per submission.
 - 2. SFMTA staff will route plans to requisite SFMTA departments to determine structural feasibility of proposed installation and whether the installation will interfere with transit or traffic control operations. SFMTA Strategic Real Estate will facilitate all communication between Licensee and SFMTA operational staff.
 - 3. Once SFMTA internal review is complete, Licensee will receive notice of SFMTA internal approval. At this point, SFMTA staff will route the plans to the Planning Department for aesthetic review.
 - 4. Design review consultation by the Planning Department, as an exercise of SFMTA's proprietary authority of its poles, is required before a Pole License can be approved. Design review is focused on the 3 major categories:
 - i. Pole Type—Does the proposed design complement the proposed pole? Is the pole in a historic district or of special design that calls for enhanced integration of the equipment?
 - ii. Location—How close is the installation to residential windows? Are there signage/signals that will hide the installation? Does the equipment emits noise or light, and if so, is it a nuisance to nearby uses?
 - iii. Equipment Design—Is the proposed equipment compact and integrated into the pole, to the extent feasible? Is it unsightly and likely to garner complaints from neighbors? What steps have been taken to minimize the visual impact of the equipment?
 - 5. Once Planning review consultation is complete, Planning will provide SFMTA with its design conclusions. SFMTA will approve Pole License only following receipt and review of Planning design conclusions and complete review and approval by SFMTA staff.

- b). Personal Wireless Service Facility Site Permit (DPW). For wireless telecommunication infrastructure located in the public right-of-way, a permit must also be received from the San Francisco Department of Public Works

(DPW). For those applications that would be routed to Planning under Public Works Code Article 25, the Planning Department will be requested to confirm that review on the proposed Site Permit was conducted at the SFMTA Pole License phase. All other implementation of Article 25 is to remain as is, as managed by DPW.

- 4.5. Compensation. SFMTA will receive fair and reasonable compensation for use of its real estate assets that it either owns or manages on behalf of other City departments and the Parking Authority of the City and County of San Francisco, based on comparable market rates for similar facilities and markets. For Parking Garages FLA, lease rental payments for most proposed installations will be structured according to the Communication Site Lease and the corresponding Rate Schedule included therein (Exhibit “E”). For Poles MLA, license rental payment for pole mounted installations will be structured according to Section 4 Rent; Additional Charges of the agreement. SFMTA reserves the right to modify lease and license rent in the form agreement from time to time.
- 4.6. Accommodation for SFMTA Uses. Where practicable, SFMTA may require that new wireless telecommunication infrastructure be designed and constructed to accommodate joint use by SFMTA. This includes aboveground and underground uses as determined by applicable SFMTA staff. In addition, from time to time SFMTA may require removal or replacement of poles, or modification of real property, occupied by telecommunications infrastructure. SFMTA reserves the right to replace or remove poles or modify facilities subject to the terms of an executed FLA or MLA.
- 4.7. Construction. During construction, Lessee/Licensee must abide by all City and County of San Francisco standard construction measures, including construction hours, waste management, noise abatement, etc. Lessee/Licensee must pay all parking meter rates due for vehicle parking, or submit to SFMTA for a construction parking permit. SFMTA will not void any citations received during telecommunication installations.

5.0 Enforcement:

SFMTA may enforce this policy by any means available to SFMTA in its proprietary capacity. Furthermore, the SFMTA Board of Directors may adopt enforcement measures for this policy as needed.

Outdoor Distributed Antenna System (ODAS)
Pole Selection Policy and Charges
for Unpowered and Unmapped Poles

Licensees have applied for Pole Licenses for poles that do not have a readily available electrical power source necessary for ODAS operations, and will require either modification of pole foundations or pole replacement for ODAS equipment installation. SFMTA will assess the following charges depending on the work required to install conduit to an unpowered and unmapped pole.

1. Install conduit between the existing foundation and the base plate, if there is sufficient space
 - Requires Temporary Access License for pole exploration
 - Following exploration, Licensee submits conduit detail to SFMTA Engineering for approval
 - Requires SFMTA Overhead Lines on-site supervision for both exploratory work and conduit installation
 - Charge is \$10,000

2. Lift up the pole with a crane, install conduit, and reset the existing pole in place
 - Requires Temporary Access License for anchor bolt inspection
 - Following inspection, SFMTA Overhead Lines documents that anchor bolts are suitable for pole resetting, Licensee submits conduit detail to SFMTA Engineering for approval. Must show how newly proposed gap between base plate and foundation will be secured
 - SFMTA Overhead Lines will design a temporary Overhead Contact System (OCS) support for these sites. SFMTA will also provide the pole, subject to availability
 - Licensee's contractor will pick up and reset the pole, with supervision from SFMTA Overhead Lines staff
 - Charge is \$15,000

3. Replace the pole
 - Requires Temporary Access License for foundation inspection. Replacing a pole may also require access to a foundation that is physically attached to adjacent private property; it will be the Licensee's responsibility to obtain permission from the property owner. SFMTA Engineering will research as-built and provide it to Licensee, if it is available. SFMTA will also provide replacement pole type (specs), and pole loading requirements.
 - Following inspection, Licensee submits foundation design and conduit detail with a wet stamped engineering drawing to SFMTA Engineering for approval.
 - SFMTA Overhead Lines will design temporary OCS support for these sites. SFMTA will also provide the pole, subject to availability.
 - Licensee's contractor will install the new foundation, install the conduit, and place the pole, with supervision from SFMTA Overhead Lines staff
 - Following Licensee's contractor's completion of work, SFMTA Overhead Lines will reattach the OCS system to the new pole.
 - Charge is \$20,000