

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 15-151

WHEREAS, The SFMTA owns approximately 10,000 support poles for overhead traction power lines; and,

WHEREAS, In late 2013, telecommunication companies requested authority to place wireless telecommunication antennae and equipment (ODAS Equipment) on SFMTA poles to meet rising public demand for wireless telephone and data services; and,

WHEREAS, On July 15, 2014, the SFMTA Board approved a form Master Outdoor Distributed Antenna System Pole License Agreement (Master License Agreement), which SFMTA staff negotiated with representatives of wireless communications companies, and also delegated to the Director of Transportation the authority to approve Master License Agreements on behalf of the SFMTA; and,

WHEREAS, The form Master License Agreement established uniform contract terms and conditions and a review and approval process by which wireless telecommunication companies apply for Pole License(s), which are subordinate agreements that authorize a Licensee to install ODAS Equipment on specified SFMTA poles; and,

WHEREAS, The three telecommunication firms (Licensees) that have entered into Master License Agreements have submitted more applications for Pole Licenses than SFMTA staff anticipated when the Master License Agreements were executed; and,

WHEREAS, Staff estimates that based on current projections of Licensees' requests for pole access, the sum of projected revenues from each of the three existing Master License Agreements will total approximately \$13,560,789 over the nine year term of those contracts, which is an amount much greater than the original revenue estimates made when the SFMTA approved those agreements; and,

WHEREAS, Charter Section 9.118(a) requires that the Board of Supervisors approve any contract that produces revenues of \$1,000,000 or more; and,

WHEREAS, The SFMTA anticipates that every ODAS Master License Agreement will generate more than \$1,000,000 in revenue, and thus would require approval by the Board of Supervisors, the SFMTA is requesting that the Board of Supervisors delegate the authority to approve any additional agreements to install wireless telecommunications antennae and equipment on SFMTA poles, to the SFMTA as long as the terms and conditions of such additional agreements substantially conform to the approved form Master License Agreement.; and

WHEREAS, The SFMTA anticipates that other wireless telecommunications companies may request to enter into Master License Agreements with the SFMTA on the same terms and conditions as the existing three Master License Agreements; and,

WHEREAS, Approval of the Master License Agreement by the SFMTA is not subject to the California Environmental Quality Act (CEQA) as defined under California Environmental Quality Act (CEQA), California Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 Cal. Administrative Code Sections 15000 et seq., (CEQA Guidelines), and San Francisco Administrative Code Chapter 31 (Chapter 31); now, therefore, be it

RESOLVED, That in accordance with Charter Section 9.118(a), the SFMTA Board of Directors recommends that the Board of Supervisors retroactively approve the three Master Outdoor Distributed Antenna System Pole License Agreements between Mobilitie Investments III, Extenet Systems, and GTE Mobilnet/Verizon, respectively, for a term of nine years each; and, be it further

RESOLVED, The Board of Directors recommends that the Board of Supervisors approve the form Master Outdoor Distributed Antenna System Pole License Agreement, which delegates the approval of any additional agreements to install ODAS Equipment on SFMTA poles, to the SFMTA as long as the terms and conditions of such additional agreements are substantially the same as the approved form agreement and, be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to approve any future Master License Agreements.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting November 3, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency