



## 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 antennas 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 emit 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.