



Wireless Facility Design Standards

Adopted

October 16, 2019

I. INTRODUCTION, PURPOSE, AND SCOPE

This document is adopted pursuant to the Boca Raton Airport Authority's ("the Authority") power to promulgate rules and regulations, pursuant to Section 5(7), Chapter 2004-468, Laws of Florida, and consistent with section 337.401(7)(r), Florida Statutes (2019), as may be amended.

The purpose of this document is to establish objective design standards for the location of wireless facilities within the Authority's right-of-way. These Design Standards do not relieve wireless applicants from the obligation to obtain any and all other applicable federal, state, or local permits required in connection with the wireless applicant's use of the Property. By applying for a permit, the wireless applicant agrees that it will abide by the requirements of all applicable federal, state, and local laws, ordinances, rules and regulations applicable to the use of the Authority's right-of-way.

II. PERMIT APPLICATION PROCESS

A. Permit Required

1. Pursuant to Section 337.401, Florida Statutes, a permit is required to install, locate, or relocate a wireless facility in the Authority's right-of-way.
2. A permit application shall be submitted with the following information:
 - a. The name of the applicant.
 - b. The name of the contractor(s) that will be installing the facility.
 - c. The type of facility proposed to be installed.
 - d. A schematic and specifications for the proposed facility, including the proposed location of the facility, the dimensions of the proposed facility, whether installation requires trenching or boring within the right-of-way, the height, elevation, color, and design of the facility and included associated equipment, to be installed.
 - e. Confirmation from a qualified professional that the proposed facility will not interfere with radio operations at the Airport, including without limitation radio operations of FAA and Customs and Border Patrol personnel, pilots, tenants, and Fixed Based Operators using Airport facilities. For the purpose of this application requirement, the term "Airport" includes all property included within the Authority's approved Airport Layout Plan, as may be amended from time to time.

B. Permit Application Process

1. The permit application shall be processed in a non-discriminatory and competitively neutral manner without charge.

2. The permit application shall be evaluated for completeness within fourteen (14) days of its receipt.

3. If the permit application is not complete, the applicant shall have thirty days (30) to cure the deficiencies identified by the Authority and resubmit the application. The Executive Director has the authority to determine whether a permit application is complete.

4. Permit applications will be approved or denied by the Authority's Board within sixty (60) days of a complete application, or within thirty (30) days of a revised application, as applicable.

C. Grounds for Denial

1. The Authority may deny or suspend a permit to collocate a wireless facility or to place a utility pole in the Authority's right-of-way where:

- a. The wireless facility or utility pole materially interferes with the safe operation of traffic control equipment.
- b. The wireless facility or utility pole interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, including without limitation, the requirements of the Authority's Airport Layout Plan, Federal Aviation Administration requirements and state and federal grant assurances.
- c. The wireless facility or utility pole interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
- d. The wireless facility or utility pole fails to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.
- e. The wireless facility or utility pole fails to comply with applicable codes.
- f. The wireless facility or utility pole fails to comply with the objective design standards stated herein.

D. Wireless Facility Height

1. Small wireless facilities shall have a height no greater than ten (10) feet above the utility pole or structure upon which the small wireless facility is to be co-located.

2. The height for a new utility pole shall be limited to the tallest existing utility pole, as of July 1, 2017, within five hundred (500) feet of the new utility pole's proposed location. If no utility pole exists within five hundred (500) feet of the new utility pole's proposed location, the maximum height of the new utility pole shall be fifty (50) feet.

E. Insurance, Indemnification, Abandonment, Liability, and Construction Bonds

1. Any utility pole or small wireless facility that ceases to be used for a period of twelve (12) consecutive months, or longer, shall be deemed abandoned and the Permittee shall be required to remove the pole or facility at the Authority's request.

2. The Permittee shall indemnify, defend, and hold the Authority harmless for damages, losses, or costs that arise due to the acts or omissions of the Permittee, its agents, successors, or assigns.

3. The Permittee shall repair, at its cost, any damage to the right-of-way caused by the installation, location, or re-location of the wireless facility or utility pole, including without limitation damage to the landscaping of the right-of-way.

4. No change in grade or elevations shall be made in the location, installation, or re-location of a small wireless facility or utility pole, unless such changes are expressly permitted in the Permit or are consented to in writing by the Authority.

5. The Authority does not assume responsibility for the ownership, operation, or maintenance of permitted facilities or poles, as a result of granting a Permit under these rules. All Permittees acknowledge as part of filing an application that the responsibility for operation and maintenance of the permitted facility or pole lies solely with the Permittee.

F. Assignment of Permit

1. Permits may not be assigned without the express prior written permission of the Authority.

G. Permit Violations

1. In the event that a Permit condition or requirement is violated, the Authority shall issue a written Notice of Violation to the Permittee and request that the Permittee cure the violation no later than thirty (30) days after the Notice of Violation is issued.

2. The Permittee acknowledges that, notwithstanding any other provision contained herein, the failure to operate and maintain the wireless facility in a manner that does not interfere with radio operations at the Airport constitutes a Permit violation. Additionally, the Permittee acknowledges that, notwithstanding any other provision contained herein, the failure to abide by the requirements of all applicable federal, state, and local laws, ordinances, rules and regulations applicable to the use of the Authority's right-of-way constitutes a Permit violation.

3. If a permit violation is not cured within the thirty (30) day time period, and the Authority has not extended the time for cure in writing at the request of the Permittee, the Permit shall be revoked.

4. Notices of Violation and Permit revocations may be executed by the Authority's Executive Director and appealed to the Authority's Board.

III. DESIGN REQUIREMENTS

A. Replacement of Utility Poles

1. A new utility pole that replaces an existing utility pole shall be of substantially similar design, material, and color to the pole it replaces, unless the new color, material, or design is approved by the Authority as more consistent with the Airport Road beautification project.

B. Small Wireless Facilities and New Utility Poles

1. Small wireless facilities located in the Authority's right-of-way must be concealed or camouflaged, and consistent in color with the utility pole upon which it is located. Wires and cables associated with the small wireless facility should also be concealed or camouflaged.

2. If a small wireless facility is co-located, the small wireless facility should be consistent with the material, design, and color of the other small wireless facility(ies) located on the utility pole upon which the small wireless facility is to be mounted.

3. Ground-mounted components of a small wireless facility should be no farther than fifteen (15) feet from the associated support structure, subject to the operational and safety requirements of the proposed location.

4. A new utility pole must meet the same locational context, color, and material designs of the predominant utility pole type located in the Authority's right-of-way.

C. Requested Placement of Small Wireless Facilities or Proposed Utility Poles for Co-Located Facilities

1. If a permit applicant proposes a location for a small wireless facility or proposed utility facility upon which a co-located wireless facility will be placed that is objectionable to the Authority, the Authority shall notify the permit applicant in writing within fourteen (14) days of the application and the parties shall commence a thirty (30) day negotiation period to determine whether the facility or pole can be reasonably relocated. The Executive Director has the authority to notify the permit applicant of the Authority's desire to negotiate and to conduct negotiations on behalf of the Authority.

2. If the alternative location is accepted by the permit applicant, the permit applicant shall notify the Authority and the application shall be deemed granted.

3. If agreement is not reached within the thirty (30) day negotiation period, the permit applicant shall notify the Authority and the Authority shall grant or deny the original application within ninety (90) days after the date the application was originally filed.