

Legislative Analysis



COUNTY ROAD COMMISSIONS UNDER SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT

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<http://www.house.mi.gov/hfa>

Senate Bill 1256 as passed by the Senate

Sponsor: Sen. Dan Lauwers

House Committee: [Pending]

Senate Committee: Energy and Technology [Discharged]

Complete to 12-16-20

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 360 of 2020)

SUMMARY:

Senate Bill 1256 would amend the Small Wireless Communications Facilities Deployment Act¹ to define a county road commission as an “authority” for purposes of that act.

Small cells are low-powered cellular radio access nodes that operate as base stations and receive and send signals. Small cells typically support a single carrier, operate on one or two frequency bands, and require minimal power to operate. It is believed that creating a dense network of small cells that are placed on existing infrastructure (e.g., telephone poles) would ultimately eliminate the need for further cell tower construction and facilitate the deployment of “fifth generation” wireless systems (5G networks).

However, small cells have a range of only 10 meters to a few kilometers (less than two miles) and transmit less power than a remote radio unit or digital antenna system, so a large number of small cells are needed in order for them to be effective.

Because many of these cells would be placed on existing infrastructure in public rights-of-way, the Small Wireless Communications Facilities Deployment Act was enacted to create a uniform regulatory framework for the permitting process and fees for the use of existing infrastructure and public rights-of-way in municipalities across the state.

Authorities under the act now include the state or a county, township, city, village, district, or subdivision of the state that is authorized by law to make decisions under the act concerning the deployment of small cells.

Among other things, the act prohibits an authority from prohibiting, regulating, or charging for the collocation of small cell wireless facilities; caps allowable rates for the collocations of small cell wireless facilities on authority; allows an authority to require a permit to collocate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility would be collocated if the permit were of general applicability; provides standards for the review and processing of applications for permits under the act, and prohibits an authority from entering into an exclusive arrangement with any person, including a governing body of a municipally owned electric utility, for the right to attach to authority poles.

The bill would include county road commissions as authorities for purposes of the act.

MCL 460.1303 and 460.1305

¹ <http://legislature.mi.gov/doc.aspx?2017-SB-0637>

FISCAL IMPACT:

Senate Bill 1256 would have an indeterminate fiscal impact on road commissions. It is presently unclear whether costs incurred for activities that would be conducted as an authority would be sufficiently offset by fees authorized under the act.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.