



LOCAL EFFORTS: GRAND VALLEY METRO COUNCIL



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COUNSELORS & ATTORNEYS

END OF 2015/EARLY 2016:

- METRO Act applications began to be received from a new type of telecommunications provider
- Applications and inquiries were coming from multiple providers
- Seeking to install poles/structures/antennas/equipment in public ROWs
 - Not “telecommunications facilities” as defined in the METRO Act
 - Some communities did not initially note that these applications were for equipment and structures beyond the lines and cable normally associated with the METRO Act
 - As a result, discovered a limited number of circumstances where poles were found to have been placed in ROWs based solely on issuance of METRO Act permit or building permit of some type

APPROACHED GRAND VALLEY METRO COUNCIL:

- Intent to develop a unified approach in dealing with DAS providers
 - For providers: a degree of certainty that they could apply to most communities in the Grand Rapids area and receive a single “package” outlining a process to be followed
 - For communities: confidence that they were acting in a manner consistent with others in the area; effort to be business friendly in terms of streamlining the process; seeking to be good stewards of ROWs; promoting enhanced wireless services for citizens
 - Important to emphasize that while goal was consistency, intent *was and remains* that each community would decide for itself whether structures should be allowed in ROWs, under what conditions and how to characterize the ROWs
- Out of this discussion, a voluntary consortium of 19 Grand Valley Metro Council members was formed (“coalition of the willing”) and tasked with developing uniform documents

CONTACTED TELECOMMUNICATIONS COUNSEL AND AFTER MEETINGS DEVELOPED A SEVERAL-PRONGED APPROACH:

- First, providers would be required by each community to obtain a license to be used for permission to enter into and utilize the public ROWs
 - An acknowledgment that permission to be in the ROWs for private purposes was required (and obtaining this short of litigation)
 - Still left to discretion of the community in terms of permitting installation at all and, if so, where. As it was worked out, group envisioned that each community would develop its own map designating type of ROWs for its community
 - Standardization of fees for use of the ROWs based on various tiers, as determined by each community
 - Remainder of license largely uniform for each community

- Second, developed a modified METRO Act permit that could be issued in conjunction with the license; that acknowledged it was for telecommunications facilities as defined in the METRO Act, but that it was separate from the need of a provider to obtain a license for permission to install and operate in the ROW
- Third, a standard cover letter was developed to be sent to a provider upon receipt of an application and a zoning checklist of items to be reviewed and determined by each community's zoning administrator
- Since then, a fourth principal document, a DAS/Small Cell Wireless Ordinance, was developed. Ordinance makes express the need for any person seeking to install such facilities in the ROWs to obtain a license from the community
- Initial package was completed early summer of 2016 and distributed to members of consortium

RECENT DEVELOPMENTS WORTH MENTIONING:

- The form of license and the modified METRO Act permit have been utilized now by several communities and providers in the Grand Rapids area and, based on all accounts, the parties have been satisfied with the results

RECENT DEVELOPMENTS WORTH MENTIONING:

- In an effort to further clarify the scope and intended consistency in the documentation to be used, Grand Valley Metro Council set up a working group to meet with providers and explain the communities' region-wide efforts
 - That working group has held a series of meetings, among themselves *and with providers* with a number of goals to: clarify the need for the license; reduce friction and improve the process; seek a degree of consensus with respect to the fees and other terms of the license; discuss and seek to reach an agreement on how poles previously installed (based solely under METRO Act or other permits) will be handled going forward; discuss various zoning efforts and see if consistency could be developed; and forestall adverse legislation
 - These discussions and efforts will likely continue, but we anticipate that the revised version of the package will be delivered to the Grand Valley Metro Council consortium shortly

PRINCIPAL OUTSTANDING ISSUES FOR GVMC:

- Zoning
- Impact of co-location on existing utility poles (franchises?)
- Coordinating efforts with road commissions