

2016 Regular Session

HOUSE BILL NO. 866

BY REPRESENTATIVE HAVARD

TELECOMMUNICATIONS: Enacts the Louisiana Wireless Communications Infrastructure Deployment Act

1 AN ACT

2 To enact Chapter 13 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 45:1601 through 1610, relative to the regulation of wireless communications
4 infrastructure; to provide for a short title; to clarify purpose; to provide for
5 definitions; to restrict the assessment of fees; to limit the authority of certain
6 governmental entities; to provide for application procedures for permits; to provide
7 for approval of certain applications; to restrict denials of applications for permits; to;
8 to provide for usage and rights of way; to limit environmental review requirements;
9 to prohibit moratoriums; to provide for local authority; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 13 of Title 45 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 45:1601 through 1610, is hereby enacted to read as follows:

14 CHAPTER 13. LOUISIANA WIRELESS COMMUNICATIONS INFRASTRUCTURE

15 DEPLOYMENT ACT

16 §1601. Short title

17 This Chapter shall be known and may be cited as the "Louisiana Wireless
18 Communications Infrastructure Deployment Act".

19 §1602. Declaration of purpose

20 The legislature finds and declares the following:

1 (1) The permitting, construction, modification, maintenance, and operation
2 of broadband and wireless facilities are critical to ensuring that all citizens in the
3 state have true access to advanced technology and information.

4 (2) These facilities are critical to ensuring that businesses and schools
5 throughout the state remain competitive in the global economy.

6 (3) Wireless telecommunications facilities that enable mobile broadband have
7 a significant economic benefit.

8 (4) The permitting, construction, modification, maintenance, and operation
9 of these facilities, to the extent specifically addressed in this Chapter, are declared
10 to be matters of statewide concern and interest.

11 §1603. Definitions

12 As used in this Chapter, the following terms and phrases have the meanings
13 hereinafter ascribed to them:

14 (1) "Accessory Equipment" means any equipment serving or being used in
15 conjunction with a wireless communications facility or wireless support structure.
16 The term includes utility or transmission equipment, power supplies, generators,
17 batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar
18 structures.

19 (2) "Antenna" means communications equipment that transmits or receives
20 electromagnetic radio signals used in the provision of any type of wireless
21 communications services.

22 (3) "Applicant" means any carrier or any person engaged in the business of
23 providing the infrastructure required for a wireless facility who submits an
24 application for placement of a wireless facility.

25 (4) "Application" means a request submitted by an applicant to an authority
26 to construct a new wireless support structure, for the substantial modification of a
27 wireless support structure, or for collocation of a wireless facility or replacement of
28 a wireless facility on an existing structure or utility pole;

1 (5) "Authority" means each state, parish, and each governing body, board,
2 agency, office, or commission of a municipality authorized by law to make
3 legislative, quasi judicial, or administrative decisions relative to the construction,
4 installation, modification, or siting of wireless facilities and mounts. The term shall
5 not include state courts having jurisdiction over land use, planning, or zoning
6 decisions.

7 (6) "Base Station" means a station at the base of a mount or in the area near
8 the wireless facility that is authorized to communicate with mobile stations,
9 generally consisting of radio transceivers, antennas, coaxial cables, power supplies,
10 and other associated electronics.

11 (7) "Broadband Facility" means any infrastructure used to deliver broadband
12 service or for the provision of broadband service.

13 (8) "Collocation" means the mounting or installation of broadband service
14 equipment on a tower, building, or structure with existing broadband service
15 equipment for the purpose of transmitting or receiving radio frequency signals for
16 communications purposes.

17 (9) "Distributed Antenna System" means a network of spatially separated
18 antenna nodes that is connected to a common source via a transport medium and that
19 provides mobile service within a geographic area or structure.

20 (10) "Existing Structure" means a structure that exists at the time a request
21 to place wireless facilities on a structure is filed with an authority.

22 (a) The term includes any structure that is capable of supporting the
23 attachment of wireless facilities in compliance with applicable building codes,
24 National Electric Safety Codes, and recognized industry standards for structural
25 safety, capacity, reliability, and engineering including but not limited to towers,
26 buildings, and water towers.

27 (b) The term shall not include any utility pole.

28 (11) "Personal Wireless Services" and "Personal Wireless Service Facilities"
29 means any service or facility as defined by 47 U.S.C. 332.

1 (12) "Replacement" includes constructing a new wireless support structure
2 of comparable proportions and of comparable height or such other height that would
3 not constitute a substantial modification to an existing structure in order to support
4 wireless facilities or to accommodate collocation and includes the associated
5 removal of the preexisting wireless facilities or wireless support structure.

6 (13) "Small Cell Facility" means either of the following:

7 (a) A personal wireless service facility as defined by 47 U.S.C. 332.

8 (b) A wireless service facility that meets both of the following qualifications:

9 (i) Each antenna is located inside an enclosure of no more than six cubic feet
10 in volume, or in the case of an antenna that has exposed elements, the antenna and
11 all of its exposed elements could fit within an imaginary enclosure of no more than
12 six cubic feet.

13 (ii) Primary equipment enclosures are no larger than seventeen 17 cubic feet
14 in volume. Any electric meter, concealment, telecommunications demarcation box,
15 ground-based enclosures, back-up power systems, grounding equipment, power
16 transfer switch, and cut-off switch may be located outside the primary equipment,
17 and if so located, is not included in the calculation of equipment volume.

18 (14) "Small Cell Network" means a collection of interrelated small cell
19 facilities designed to deliver wireless service.

20 (15) "Substantial Modification" means the mounting of a proposed wireless
21 facility on a wireless support structure which, as applied to the structure as it was
22 originally constructed, does either of the following:

23 (a) Increases the existing vertical height of the structure by either of the
24 following, whichever is greater:

25 (i) More than ten percent.

26 (ii) The height of one additional antenna array with separation from the
27 nearest existing antenna not to exceed twenty feet.

28 (b) Involves adding an appurtenance to the body of a wireless support
29 structure that protrudes horizontally from the edge of the wireless support structure

1 more than twenty feet or more than the width of the wireless support structure at the
2 level of the appurtenance, whichever is greater , except where necessary to shelter
3 the antenna from inclement weather or to connect the antenna to the tower via cable.

4 (16)(a) "Transmission Equipment" means equipment that facilitates
5 transmission for a wireless communications service licensed or authorized by the
6 Federal Communications Commission (FCC) including but not limited to radio
7 transceivers, antennas, coaxial or fiber optic cable, and regular and backup power
8 supplies.

9 (b) "Transmission equipment" includes equipment associated with wireless
10 communications services including but not limited to private, broadcast, and public
11 safety services, such as wireless local area network services and services utilizing a
12 set of specifications developed by the institute of electrical and electronics engineers
13 for interface between a wireless client and a base station or between two wireless
14 clients, as well as unlicensed wireless services and fixed wireless services, such as
15 microwave backhaul.

16 (17) "Wireless Facility" means the set of equipment and network
17 components, exclusive of the underlying wireless support structure, including
18 antennas, transmitters, receivers, base stations, power supplies, cabling, and
19 accessory equipment, used to provide wireless data and wireless telecommunications
20 services.

21 (18)(a) "Wireless Support Structure" means a freestanding structure, such as
22 a monopole, tower, either guyed or self-supporting, or suitable existing or alternative
23 structure designed to support or capable of supporting wireless facilities.

24 (b) "Wireless Support Structure" does not include any telephone or electrical
25 utility pole or any tower used for the distribution of transmission or electrical
26 service.

27 (19) "Utility Pole" means a structure owned and operated by a public utility,
28 municipality, electric membership corporation, or rural electric cooperative that is

1 designed specifically for and used to carry lines, cables, or wires for telephony, cable
2 television, or electricity, or to provide lighting.

3 (20) "Water Tower" means a water storage tank, a standpipe, or an elevated
4 tank situated on a support structure, originally constructed for use as a reservoir or
5 facility to store or deliver water.

6 §1604. Charges imposed by an authority; restrictions

7 A.(1) An authority shall not charge an application fee, consulting fee, or other
8 fee associated with the submission, review, processing, and approval of an
9 application that is not required for similar types of commercial development within
10 the authority's jurisdiction.

11 (2) An authority shall charge an applicant only for the costs to the granting
12 or processing of an application. The charges shall be reasonably related in time to
13 the occurrence of such costs.

14 (3) Pursuant to the limits imposed by this Subsection, an authority shall not
15 charge market based or value based fees for the processing of an application.

16 (4) The charge may not include any of the following:

17 (a) Travel expenses incurred by a third party in its review of an application.

18 (b) Direct payment or reimbursement of third party fees charged on a
19 contingency basis or a result-based arrangement.

20 (5) In any controversy concerning the appropriateness of a charge, the
21 authority shall have the burden of proving that the charge is reasonably related to the
22 direct costs incurred by the authority.

23 (6) The total amount of charges shall be the lesser of the amount charged by
24 the authority for a building permit for any other type of commercial development or
25 land use development, or five hundred dollars for a collocation application regarding
26 a small cell facility or distributed antenna system, or one thousand dollars for a new
27 wireless support structure or for a substantial modification of a wireless support
28 structure.

1 B.(1) An authority may not charge a wireless service provider or wireless
2 infrastructure provider any rental, license, or other fee to locate a wireless facility or
3 wireless support structure on an authority's property, including the rights of way
4 controlled by the authority if the authority does not charge other commercial carriers
5 and utilities for the rental or use of similarly situated property and rights of way.

6 (2) If an authority does charge a wireless service provider or wireless
7 infrastructure provider for use of its property or rights of way, it may charge only the
8 lesser of either of the following:

9 (a) The amount it charges other commercial carriers and utilities for the same
10 amount of space.

11 (b) The cost to the authority of any maintenance or other activities required
12 to be performed by the authority as a result of the location or modification of the
13 facility or rights of way.

14 (3) Due to the benefit of increased broadband and wireless services to its
15 citizens, an authority may choose not to charge for the placement of wireless
16 facilities on an authority's property or rights of way.

17 §1605. Permits; procedure; restrictions imposed on authority; approval

18 A. In order to ensure uniformity across the state with respect to consideration
19 of every application, an authority shall not do any of the following:

20 (1) Require an applicant to submit information about, or evaluate an
21 applicant's business decisions with respect to its designed service, customer demand
22 for service, or quality of its service to or from a particular area or site.

23 (2) Require information that concerns the specific need for the wireless
24 support structure, including if the service to be provided from the wireless support
25 structure is to add additional wireless coverage or additional wireless capacity. An
26 authority may not require proprietary, confidential, or other business information to
27 justify the need for the new wireless support structure, including propagation maps
28 and telecommunications traffic studies.

1 (3) Evaluate an application based on the availability of other potential
2 locations for the placement of wireless support structures or wireless facilities,
3 including, without limitation, the option to collocate instead of construct a new
4 wireless support structure or for substantial modifications of a support structure.

5 (4) Dictate the type of wireless facilities, infrastructure, or technology to be
6 used by the applicant including but not limited to requiring an applicant to construct
7 a distributed antenna system or small cell facility in lieu of constructing a new
8 wireless support structure.

9 (5) Require the removal of existing wireless support structures or wireless
10 facilities, wherever located, as a condition for approval of an application.

11 (6) Impose surety requirements, including bonds, escrow deposits, letters of
12 credit, or any other type of financial surety, to ensure that abandoned or unused
13 facilities can be removed unless the authority imposes similar requirements on other
14 permits for other types of commercial development or land uses and any such
15 instrument cannot exceed a reasonable estimate of the direct cost of the removal of
16 the facility.

17 (7) Discriminate or create a preference on the basis of the ownership,
18 including ownership by the authority, of any property, structure, or tower when
19 promulgating rules or procedures for siting wireless facilities or for evaluating
20 applications.

21 (8) Impose any requirements or obligations regarding the presentation or
22 appearance of facilities including but not limited to those relating to any kinds of
23 materials used and those relating to arranging, screening, or landscaping of facilities
24 if such regulations or obligations are unreasonable.

25 (9) Impose any requirements that an applicant purchase, subscribe to, use, or
26 employ facilities, networks, or services owned, provided, or operated by an authority,
27 in whole or in part, or by any entity in which an authority has a competitive,
28 economic, financial, governance, or other interest.

1 (10) Condition or require the approval of an application based on the
2 applicant's agreement to permit any wireless facilities provided or operated, in whole
3 or in part, by an authority or by any other entity to be placed at or collocated with the
4 applicant's wireless support structure.

5 (11) Prohibit, or have the effect of prohibiting, the provision of personal
6 wireless services or personal wireless service facilities or the ability of any entity to
7 provide any service in support of personal wireless service facilities.

8 (12) Limit the duration of any permit that is granted.

9 B.(1) For small cell networks involving multiple individual small cell
10 facilities within the jurisdiction of a single authority, the authority shall allow the
11 applicant, at the applicant's discretion, to file a consolidated application and receive
12 a single permit for the small cell network instead of filing separate applications for
13 each individual small cell facility.

14 (2) If a wireless service provider applies to locate several wireless facilities
15 within the jurisdiction of a single authority, the authority shall do the following:

16 (a) Allow the applicant, at the applicant's discretion, to file a single set of
17 documents that will apply to all the wireless service facilities to be sited.

18 (b) Render a decision regarding all the wireless service facilities that satisfy
19 the authority's requirements in a single administrative proceeding unless local
20 requirements call for an elected or appointed body to render such decision.

21 C.(1) A collocation or siting application for a wireless telecommunications
22 facility shall be deemed approved when all of the following occur:

23 (a) The authority fails to approve or disapprove the application within a
24 reasonable period of time in accordance with the time periods and procedures
25 established by applicable FCC decisions. The reasonable period of time may be
26 tolled to accommodate timely requests for information required to complete the
27 application or may be extended by mutual agreement between the applicant and the
28 authority when consistent with applicable FCC decisions.

1 (b) The applicant has provided all public notices regarding the application
2 that the applicant is required to provide pursuant to applicable laws consistent with
3 the public notice requirements for the application.

4 (c) The applicant has provided notice to the authority that the reasonable time
5 period has lapsed and that the application is deemed approved pursuant to this
6 Subsection.

7 (2) Within thirty days of the applicant's notice that the reasonable time period
8 has lapsed, the authority may seek judicial review of the operation of this Subsection
9 relative to the application.

10 §1606. Denial of a permit request; form requirements; standard; relief

11 A.(1) Any decision to deny a request to place, construct, or modify personal
12 wireless service facilities shall be in writing and supported by substantial evidence
13 contained in a written record and released contemporaneously to the public.

14 (2) If an authority denies an application, there must be a reasonable basis for
15 the denial. In addition, an authority may not deny an application if such denial is
16 discriminatory against the wireless applicant with respect to the placement of the
17 facilities of other utilities or wireless carriers.

18 B. A party aggrieved by the final action of an authority, either by its
19 affirmatively denying an application or by its inaction, may bring an action for
20 review in any court of competent jurisdiction in this state.

21 §1607. Use of public highways or rights of way

22 A.(1) Any domestic or foreign telecommunications provider or broadband
23 provider authorized to do business pursuant to the laws of this state shall have the
24 right to construct, maintain, and operate conduit, poles, cable, switches, and related
25 appurtenances and facilities along, across, upon, and under any public highway or
26 rights-of-way in this state.

27 (2) The construction, maintenance, operation, and regulation of such facilities
28 including the right to occupy and utilize the public rights-of-way by

1 telecommunications providers and broadband providers are hereby declared to be
2 matters of statewide concern.

3 (3) The facilities shall be constructed and maintained in a manner that does
4 not obstruct or hinder the usual travel on or by such highway or rights of way.

5 §1608. Environmental reviews

6 An authority shall not do any of the following:

7 (1) Impose environmental testing, sampling, or monitoring requirements that
8 exceed federal law or requirements.

9 (2) Impose compliance measures for radio frequency emissions on wireless
10 facilities that are categorically excluded pursuant to FCC rules for radio frequency
11 emissions pursuant to 47 CFR 1.1307 or other applicable federal law.

12 (3) Establish or enforce regulations or procedures for radio frequency signal
13 strength or the adequacy of service quality.

14 (4) Reject a collocation application or modification application, when it is
15 consistent with 47 U.S.C. 332, either in whole or in part based on perceived or
16 alleged environmental effects of radio frequency emissions.

17 (5) Impose any restrictions with respect to objects in navigable airspace that
18 are greater than or in conflict with the restrictions imposed by the Federal Aviation
19 Administration (FAA).

20 (6) Prohibit the placement of emergency power systems that comply with
21 federal and state environmental requirements.

22 §1609. Prohibition of moratoriums

23 An authority may not institute any moratorium on the permitting,
24 construction, or issuance of approvals of new wireless support structures, substantial
25 modifications of wireless support structures, or collocations.

26 §1610. Local authority

27 Subject to the provisions of this Chapter and applicable federal law, an
28 authority may continue to exercise zoning, land use, planning, and permitting
29 authority within their territorial boundaries with regard to the siting of new or

1 modified of wireless support structures, wireless facilities, small cell facilities, or
2 utility poles.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 866 Original

2016 Regular Session

Havard

Abstract: Enacts the "Louisiana Wireless Communications Infrastructure Deployment Act" and limits regulations imposed on wireless communications infrastructure.

Proposed law enacts the Louisiana Wireless Communications Infrastructure Deployment Act.

Proposed law enumerates a list of the declared purposes of proposed law.

Proposed law enumerates definitions for the purposes of proposed law in order to provide for clarification. For the purposes of proposed law, the term "authority" means each state, parish, and each governing body, board, agency, office, or commission of a municipality authorized by law to make legislative, quasi judicial, or administrative decisions relative to the construction, installation, modification, or siting of wireless facilities and mounts. The term shall not include state courts having jurisdiction over land use, planning, or zoning decisions.

Proposed law prohibits an authority from charging an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Proposed law provides that an authority shall charge only for the costs directly incurred by the authority relating to the granting or processing of an application and requires those charges to be reasonably related in time to the occurrence of such costs. Proposed law prohibits market based or value based fees for the processing of an application.

Proposed law prohibits charges from including any of the following:

- (1) Travel expenses incurred by a third party in its review of an application.
- (2) Direct payment or reimbursement of third party fees charged on a contingency basis or a result-based arrangement.

Proposed law imposes the burden of proof, in any controversy concerning the appropriateness of a charge, on the authority to prove that the charge is reasonably related to the direct costs incurred by the authority. Proposed law limits the total amount of charges allowed pursuant to proposed law to the lesser of the amount charged by the authority for a building permit for any other type of commercial development or land use development, or \$500 for a collocation application regarding a small cell facility or distributed antenna system, or \$1,000 for a new wireless support structure or for a substantial modification of a wireless support structure.

Proposed law an authority from charging any rental, license, or other fee to locate a wireless facility or wireless support structure on an authority's property, including the rights of way controlled by the authority if the authority does not charge other commercial carriers and utilities for the rental or use of similarly situated property and rights of way.

Proposed law specifies that, if an authority does charge a wireless service provider or wireless infrastructure provider for use of its property or rights of way, then it may charge only the lesser of either of the following:

- (1) The amount it charges other commercial carriers and utilities for the same amount of space.
- (2) The cost to the authority of any maintenance or other activities required to be performed by the authority as a result of the location or modification of the facility or rights of way.

Proposed law clarifies that nothing included in proposed law requires an authority to charge for the placement of wireless facilities on an authority's property or rights of way.

In consideration of every application for a permit pursuant to proposed law, an authority shall not do the following:

- (1) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site.
- (2) Require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. An authority may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunications traffic studies.
- (3) Evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities, including, without limitation, the option to collocate instead of construct a new wireless support structure or for substantial modifications of a support structure.
- (4) Dictate the type of wireless facilities, infrastructure, or technology to be used by the applicant including but not limited to requiring an applicant to construct a distributed antenna system or small cell facility in lieu of constructing a new wireless support structure.
- (5) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application.
- (6) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses and any such instrument cannot exceed a reasonable estimate of the direct cost of the removal of the facility.
- (7) Discriminate or create a preference on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications.
- (8) Impose any requirements or obligations regarding the presentation or appearance of facilities including but not limited to those relating to any kinds of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable.
- (9) Impose any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by an authority, in

whole or in part, or by any entity in which an authority has a competitive, economic, financial, governance, or other interest.

(10) Condition or require the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any other entity to be placed at or collocated with the applicant's wireless support structure.

(11) Prohibit, or have the effect of prohibiting, the provision of personal wireless services or personal wireless service facilities or the ability of any entity to provide any service in support of personal wireless service facilities.

(12) Limit the duration of any permit that is granted.

Proposed law, relative to small cell networks involving multiple individual small cell facilities within the jurisdiction of a single authority, provides that the authority shall allow the applicant, at the applicant's discretion, to file a consolidated application and receive a single permit for the small cell network instead of filing separate applications for each individual small cell facility.

Proposed law declares that if a wireless service provider applies to locate several wireless facilities within the jurisdiction of a single authority, the authority shall do the following:

(1) Allow the applicant, at the applicant's discretion, to file a single set of documents that will apply to all the wireless service facilities to be sited.

(2) Render a decision regarding all the wireless service facilities that satisfy the authority's requirements in a single administrative proceeding unless local requirements call for an elected or appointed body to render such decision.

Proposed law declares that any collocation or siting application for a wireless telecommunications facility shall be deemed approved when all of the following occur:

(1) The authority fails to approve or disapprove the application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions. The reasonable period of time may be tolled to accommodate timely requests for information required to complete the application or may be extended by mutual agreement between the applicant and the authority when consistent with applicable FCC decisions.

(2) The applicant has provided all public notices regarding the application that the applicant is required to provide pursuant to applicable laws consistent with the public notice requirements for the application.

(3) The applicant has provided notice to the authority that the reasonable time period has lapsed and that the application is deemed approved pursuant to proposed law.

Proposed law provides that any authority may seek judicial review of the operation proposed law relative to any application within 30 days of the applicant's notice that the reasonable time period provided for in proposed law has lapsed.

Proposed law imposes certain requirements when an authority denies an application submitted to the authority. Proposed law imposes form requirements on any decision to deny a request to place, construct, or modify personal wireless service facilities. Proposed law imposes a reasonableness standard for the denial. Proposed law prohibits an authority from denying an application if such denial is discriminatory against the wireless applicant with respect to the placement of the facilities of other utilities or wireless carriers.

Proposed law provides for the opportunity of relief for any party aggrieved by the final action of an authority, either by its affirmatively denying an application or by its inaction.

Proposed law provides that any domestic or foreign telecommunications provider or broadband provider authorized to do business pursuant to the laws of this state shall have the right to construct, maintain, and operate conduit, poles, cable, switches, and related appurtenances and facilities along, across, upon, and under any public highway or rights-of-way in this state. Proposed law provides that the construction, maintenance, operation, and regulation of such facilities including the right to occupy and utilize the public rights-of-way by telecommunications providers and broadband providers are hereby declared to be matters of statewide concern. Proposed law requires that facilities shall be constructed and maintained in a manner that does not obstruct or hinder the usual travel on or by such highway or rights of way.

Proposed law states that an authority shall not do any of the following:

- (1) Impose environmental testing, sampling, or monitoring requirements that exceed federal law or requirements.
- (2) Impose compliance measures for radio frequency emissions on wireless facilities that are categorically excluded pursuant to FCC rules for radio frequency emissions pursuant to present law (47 CFR 1.1307) or other applicable federal law.
- (3) Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality.
- (4) Reject a collocation application or modification application, when it is consistent with present law (47 U.S.C. 332), either in whole or in part based on perceived or alleged environmental effects of radio frequency emissions.
- (5) Impose any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration ("FAA").
- (6) Prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

Proposed law prohibits moratoriums.

Proposed law authorizes an authority to continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to the siting of new or modified of wireless support structures, wireless facilities, small cell facilities, or utility poles.

(Adds R.S. 45:1601-1610)