

RULE

**Department of Transportation and Development
Office of the Secretary**

Wireless Telecommunications Permit (LAC 70:II.1509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 48:381.2, the Department of Transportation and Development, Office of the Secretary has amended the Rule for utilities fees and permits. These amendments address the continued need for Louisiana residents to work and attend school virtually due to the effects of COVID-19; thus, necessitating expansion and maximization of broadband capacity and wireless communication in communities that are markedly lacking in these services. In addition to the continued need created by COVID-19, the passage of the Infrastructure Investment and Jobs Act (IIJA) availed funds for future broadband infrastructure. As this infrastructure expands, small cell towers are the necessary last step to bring high speed internet to all Louisiana citizens, especially those located in rural areas. There are no estimated implementation costs or savings to state or local governmental units associated with the rule revision. The Department of Transportation and Development already issues permits for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way pursuant to R.S. 48:381.2. The permits in this Rule will be folded into LADOTD's existing processes, using existing staff. Consequently, there will be no adverse impact to the public, businesses, local or state governmental entities. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part II. Utilities

Chapter 15. DOTD Wireless Telecommunications Permit

§1509. Fees

A. Definitions for use in this Section:

Installation Facility—any tower or pole installed or utilized by a wireless telecommunications carrier for wireless audio and visual communications.

Monopole/Guyed Tower—tower that consists of one stem or one pole anchored to the ground and supported by a structurally designed foundation or guyed anchor system. The wires may be anchored to the top of the structure or to the ground.

Pole—column or post, constructed of wood or metal, supported by a simple concrete foundation up to 2 feet in diameter and/or with partial embedment.

Self-Supporting Tower—a three or four sided lattice structure with self-supporting frame made from solid rod, pipe, or angle.

Small Wireless Facility ("SWF")—wireless communications facilities that meet each of the following conditions:

- a. the facilities:

- i. are mounted on poles or other structures 50 feet or less in height including their antennas;
- ii. are mounted on poles or other structures no more than 10 percent taller than other adjacent poles or structures; or
- iii. do not extend existing poles or other structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- b. each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 ft³) in volume;
- c. all other wireless equipment associated with the pole or other structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the pole or other structure, is no more than 28 cubic feet (28 ft³) in volume;
- d. the facilities do not require antenna structure registration under C.F.R. Title 47, Chapter 1 Federal Communications Commission, Part 17;
- e. the facilities are not located on Tribal lands, as defined under 36 C.F.R. 800.16(x); and
- f. the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

Utility Pole—column or post used to support overhead power lines and various other public utilities, such as electrical cable, fiber optic cable, and related equipment such as transformers and streetlights.

B. The following fees shall apply to wireless telecommunications installations, except for small wireless facilities, placed within state highway rights-of-way.

| Type of Tower | Annual Fee |
|---|---------------------|
| Self-Supporting Tower/Antenna | \$3,500 |
| Monopole/Antenna | \$2,000 |
| Attachments to Existing Utility/Light Poles | \$1,500 |
| Co-Location on DOTD Tower | \$3,500 |
| Video Cameras | Supply feed to DOTD |

C. Annual renewal fees for each Small Wireless Facility shall be \$270.00, regardless of location of the SWF. Permits are subject to a reevaluation cost every three years of an additional \$82.59 per permit. The following fees shall be assessed for each initial permit, based on the classifications of the roadway in accordance with the 2013 edition of the Federal Highway Administration's "Highway Functional Classification Concepts, Criteria, and Procedures."

| Highway Classification | Installation of SWF on a New Pole | Installation of New SWF on Existing Pole |
|--------------------------|-----------------------------------|--|
| Interstate Urban | \$2100 | \$1850 |
| Interstate Rural | \$1575 | \$1387.50 |
| Freeway/Expressway Urban | \$2100 | \$1850 |
| Freeway/Expressway Rural | \$1575 | \$1387.50 |
| Principal Arterial Urban | \$1575 | \$1387.50 |
| Principal Arterial Rural | \$1050 | \$925 |
| Minor Arterial Urban | \$1050 | \$925 |
| Minor Arterial Rural | \$525 | \$462.50 |
| Major Collector Urban | \$525 | \$462.50 |
| Major Collector Rural | \$210 | \$185 |
| Minor Collector Urban | \$525 | \$462.50 |
| Minor Collector Rural | \$210 | \$185 |

D. All permit fees must be paid to the department by check or money order. The department will not accept cash.

E. All permits will be in force and effect for a period of one year from the date the permit was issued.

F. The department may waive fees in exchange for shared resources.

G. The department may waive fees for those permit applicants who erect facilities, attachments or cameras for the use of the department or other state agencies or political subdivisions to conduct departmental or state work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January, 1999), amended LR 30:272 (February 2004), amended by the Department of Transportation and Development, Office of Secretary, LR 48:2189 (August 2022).

Shawn D. Wilson, Ph.D.
Secretary

2208#039

RULE

Department of Treasury Municipal Police Employees' Retirement System

Mandatory Enrollment of Employees Employed by 11:157 Employers (LAC 58:XVIII.1701)

The Municipal Police Employees' Retirement System has adopted LAC 58:XVIII Chapter 17 as authorized by R.S. 11:2225(A)(1). This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Board of Trustees of the Municipal Police Employees' Retirement System has created a new Chapter 17 to the *Louisiana Administrative Code* that deals with automatic enrollment of new employees of participating employers. This Rule is codifying current statute. This Rule is hereby adopted on the day of promulgation.

Title 58

EMPLOYERS

Part XVIII. Municipal Police Employees' Retirement System

Chapter 17. Employers

§1701. Mandatory Enrollment of Employees Employed by 11:157 Employers

A. To comply with the mandatory enrollment provisions of R.S. 11:157(A), an employer must enroll each employee in the retirement system on the first day the employee qualifies for membership. The employer shall remit to the retirement system the required employee and employer contributions no later than the fifteenth day of the month following the first day the employee qualifies for membership. If the employee subsequently submits an affidavit under R.S. 11:157(C) before the end of the first calendar month during which the employee qualified for membership in the retirement system, a prorated amount of employer contributions shall be refunded to the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(A)(1).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 48:2190 (August 2022).

Benjamin A. Huxen
Executive Director
and General Counsel

2208#073

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Chronic Wasting Disease Control Areas (LAC 76:V.137)

The Wildlife and Fisheries Commission has adopted §137, cervid carcass exportation and baiting regulations within Louisiana Department of Wildlife and Fisheries (LDWF) designated chronic wasting disease (CWD) control areas. On February 2, 2022, the Louisiana Animal Disease Diagnostic Laboratory at LSU detected CWD in a sample submitted by LDWF from a hunter harvested adult buck in Tensas Parish. The sample was subsequently confirmed by the National Veterinary Services Laboratory in Ames, Iowa. Upon detection, LDWF has implemented its CWD Response Plan to curb the spread of CWD in Louisiana. The action is intended to reduce further spread of the disease through anthropogenic pathways. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§137. Rules and Regulations for Chronic Wasting Disease Control Areas

A. Definitions

Cervid—any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou “reindeer”, fallow deer, axis deer, sika deer, and red deer.

Chronic Wasting Disease (CWD)—Neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always fatal, and has no treatment. CWD is part of a group of diseases known as transmissible spongiform encephalopathies (TSEs) and is similar to BSE (mad cow disease) in cattle and scrapie in sheep. These diseases cause irreversible damage to brain tissue, which leads to excessive salivation, neurological symptoms, emaciation, and death of the animal.

Control Area—LDWF designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The control area shall be listed on the LDWF website.

LDWF—The Louisiana Department of Wildlife and Fisheries.

B. Baiting, placement of bait, or hunting over bait is prohibited within a LDWF designated CWD control area. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt,