

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

The proposed rule change will have no effect on competition and employment.

Ronnie S. Johns  
Chairman  
2204#061

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Wireless Telecommunications Permit (LAC 70:II.1509)**

Notice is hereby given 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, that the Department of Transportation and Development, Office of the Secretary amends 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 proposed 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 contemplated by 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.

**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.

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

*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.

*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 ft<sup>3</sup>) 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 ft<sup>3</sup>) 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

Highway Classification	Installation of SWF on a New Pole	Installation of New SWF on Existing Pole
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:

#### Family Impact Statement

Adoption of this proposed Rule should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The adoption of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The adoption of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The adoption of this proposed Rule will have no known or foreseeable adverse effect on the family earnings and family budget. By promoting economic growth, it may indirectly have a positive impact on family earnings and family budget.

5. The adoption of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

#### Poverty Impact Statement

The adoption of this proposed Rule should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The adoption of this proposed Rule will have no known or foreseeable adverse effect on household income,

assets, and financial security. By promoting economic growth, it may indirectly have a positive impact on household income, assets, and financial security.

2. The adoption of this proposed Rule will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development. By encouraging development of broadband infrastructure, it may indirectly improve access to home schooling and remote learning opportunities.

3. The adoption of this proposed Rule will have no known or foreseeable adverse effect on employment and workforce development. By promoting economic growth and encouraging development of broadband infrastructure, it may indirectly have a positive impact on employment and workforce development.

4. The adoption of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Small Business Analysis

The impact of the adoption of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

#### Provider Impact Statement

The adoption of this proposed rule change does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of this proposed Rule change does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of this proposed Rule change does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of this proposed Rule change does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

#### Public Comments

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this Notice of Intent to Olivia Marchand, Attorney, Legal Division, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245.

Shawn D. Wilson, Ph.D.  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Wireless Telecommunications Permit**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local governmental units associated with the proposed rule revision. The Louisiana Department of Transportation and Development (LADOTD) 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 under Louisiana Revised Statute 48:381.2. The permits contemplated by this rule will be folded into LADOTD's existing processes, using existing staff.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The effect on revenue collection is not known. The existing, more expensive permit fee appears to act as a deterrent to installation of small wireless facilities. While the rule reduces the fee charged per permit, LADOTD anticipates a large increase in the number of permits issued, which will tend to offset any revenue decrease.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

Permit applicants will receive economic benefits associated with the reduction in permit fees. The magnitude of these benefits will depend on each permit applicant's buildout of small wireless facilities.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

By reducing fees paid in connection with small wireless facilities, the rule will promote the growth of broadband infrastructure, which is expected to promote competition and provide new opportunities for employment, especially in areas that currently have limited access to employment opportunities. This impact is expected to be heightened as a result of the growth of telecommuting since the advent of the COVID-19 event in March 2020, as well as the availability of new federal funding for broadband infrastructure through the Infrastructure Investment and Jobs Act.

Shawn Wilson, Ph.D.  
Secretary  
2204#020

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office