

## Process Guide

### Wireless Facilities in Town Rights-of-Way

The Town of Gilbert has implemented a process intended to meet the timeframes and technical requirements established by House Bill 2365 of the 53<sup>rd</sup> Legislature of the State of Arizona: “An act to amend Title 9, Chapter 5, Arizona Revised Statutes, by adding Article 8 Relating to Wireless Services.”

This article created a mechanism to allow Wireless Service Providers to place qualifying Wireless Facilities and support structures within the Town rights-of-way. The article also provides the Town the ability to review and authorize the attachment of wireless facilities to qualifying poles in the Town rights-of-way.

The Town of Gilbert has established processes, checklists and applications to ensure that the timeframes and technical requirements of the statute can be satisfied. The Town’s primary objectives will be to ensure the safety of the existing roadway corridor, ensure that rights-of-way remain available for the broad mix of acceptable uses, and to provide technical reviews, permits, and inspections associated with Wireless Facilities.

#### Process Details

The complete process for receiving Town approval to install a Wireless Facility in the Right-of-way (ROW) includes the following:

- STEP 1: Site Request Application
- STEP 2: Site Permit Application (concurrent with zoning review if required)
  - Payment of Fees
  - Traffic Control Plan Application
  - Site License Agreement
- STEP 3: Complete on-line Approval to Work Application (Sub-contractors only)
- STEP 4: Invoice of Annual Fees for Use of Right-of-way and Town-owned equipment

#### **Step 1: Site Request Application (No fee)**

The first step in the application process is to submit a Site Request Application with the Town. Up to ten (10) locations may be included in each Site Request Application; specific information related to each site will be required and can be found in the application checklist. Through this step it will be determined if the site will be required to have zoning review. There are **no fees** associated with this step.

- After receiving a complete Site Request Application, the Town will route the application to the review team and a Town Staff member will contact the applicant to schedule a meeting. The meeting will include Town Staff from several



departments that will be reviewing the details of each Site Request. Meetings will be scheduled for the next available meeting date.

- If the Town determines that a field visit to a proposed site is necessary to identify and verify issues with the design and engineering of the site, Town Staff will coordinate this additional meeting with all necessary parties. The applicant shall be responsible for having the proposed site (and immediate surrounding area) Blue Staked and have the ROW line marked prior to the field visit occurring.
- Upon completion of a Site Request process, the Town will issue a preliminary “approval” for each site based on the preliminary design and details provided for review. The applicant shall use these findings as the basis for the development of final construction drawings (CDs) that will be submitted with the Site Permit Application (Step 2).

**Note:** The “approval” of a Site Request does not grant the Wireless Provider any implied or expressed rights or reservations to use the site. The use of a Town-owned pole and ROW for a Wireless Facility is only reserved upon the execution of the Site License Agreement by the Town.

## **Step 2: Wireless Facility in ROW - Site Permit Application**

The second step in the application process is to submit a *Site Permit Application* with the Town. Only one (1) location may be included in each application; specific information related to the site will be required and can be found in the application checklist. The Site Permit Application will be routed electronically for review by Town Staff from various departments. Review timelines are available on our Town website.

**Note:** If it was determined that zoning review will be required for the wireless facility during the Step 1 process, the proper zoning application will be provided to you and must be submitted along with the Step 2, Site Permit Application. These items will be reviewed and processed concurrently.

### *Payment of Fees*

At time of submission, the Site Permit Application shall be accompanied by the following non-refundable fees:

- **One-time Application Fees** will be calculated based on the type of facility proposed as determined by Town staff through the Site Request process (Step 1):
    - Facilities not requiring zoning review: \$750
    - Fees for facilities requiring zoning review: \$1,000
    - Collocation\*: \$100 each for sites 1 through 5, \$50 each for sites 6 through 25
- \*Staff shall determine if sites are eligible for the collocation fees during the site request process. Only sites applied for at the same time will be eligible.



- **Initial Annual Use Fees** will be prorated starting from the 1<sup>st</sup> day of the month after the application is received. The applicable annual use fees will be determined through the Site Request process (Step 1). See Step 4 below for more information.

#### ***Traffic Control Plan Application***

All projects located on or near a roadway are required to submit a *Traffic Control Plan Application*. A complete application is due at the time of applying for the SWF Permit (Step 2). The blank application is included in this application packet. There are no additional fees associated with this step - the existing \$150 fee shall be waived for this permit type.

#### ***Site License Agreement***

The wireless provider shall submit a signed *Site License Agreement* at the time of applying for the Site Permit Application (Step 2). The Town will countersign, date, and execute the Site License Agreement upon approval of the Wireless Facility Site Permit. The Site License Templates are included in this application packet.

**\*\*\*Town Staff will contact the applicant when all components of the Site Permit are approved and ready to be issued \*\*\***

### **STEP 3: Complete On-line Approval to Work Application (Subcontractors Only)**

All sub-contractors who will be performing work on behalf of the original applicant shall complete an on-line Approval to Work Application prior to commencement of any work on site. There are **no fees** associated with this application. The application is located here:

<https://general.gilbertaz.gov/eForms/engineering/frmApprovalToWork.cfm>

### **STEP 4: Invoice of Annual Fees for Use of Right-of-way and Town-owned equipment**

In January of every year, Wireless providers will be invoiced for Annual Use Fees for ALL sites located in the Town according to the following:

- Facilities located in Town right-of-way: \$50 (annually)
- Facilities located in Town right-of-way and on Town-owned equipment: \$100 (annually)
- Facilities located in Town right-of-way that require zoning review: \$200 (annually)