
A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. (a) There is established a broadband task
3 force to be placed within the department of business, economic
4 development, and tourism, for administrative purposes only,
5 which shall consist of the following members:

6 (1) The director of business, economic development, and
7 tourism, who shall also serve as the chair;

8 (2) The respective director of each county public,
9 educational, or governmental access provider;

10 (3) A mayor of a county, or the mayor's designee, who
11 shall represent the four county mayors;

12 (4) The chief executive officer of the Public Broadcasting
13 Service Hawaii;

14 (5) Two representatives representing wireless providers;
15 provided that one shall be appointed by the speaker of
16 the house and one shall be appointed by the president
17 of the senate;



- 1 (6) Two representatives representing each of the third-
2 party wireless infrastructure providers; provided that
3 one shall be appointed by the speaker of the house and
4 one shall be appointed by the president of the senate,
5 (7) Two representatives representing wireline, internet,
6 and telecommunications service providers doing
7 business in the State; provided that one shall be
8 appointed by the speaker of the house and one shall be
9 appointed by the president of the senate; provided
10 further that the representatives shall not represent
11 the same corporation or any designee of a
12 representative;
13 (8) The director of an electric utility company, or the
14 director's designee;
15 (9) The director of commerce and consumer affairs, or the
16 director's designee; and
17 (10) The chair of the public utilities commission, or the
18 chair's designee.
19 (b) Any vacancy occurring in the membership of the task
20 force shall be filled in the same manner as the original
21 appointments.



1 (c) The vice chair of the task force shall be selected by
2 the majority of the members of the task force.

3 (d) A simple majority shall constitute a quorum whose
4 affirmative vote shall be necessary for all actions of the task
5 force.

6 (e) Members of the task force shall serve without
7 compensation but shall be reimbursed for necessary expenses,
8 including reasonable travel expenses, incurred in the
9 performance of their duties under this section.

10 (f) The task force shall develop and provide a statewide
11 broadband plan, which shall include the following:

- 12 (1) The financial status and revenues of public,
13 educational, or governmental access providers;
- 14 (2) A description of how present fees collected are used
15 for public, educational, or governmental access
16 provider infrastructure;
- 17 (3) The potential establishment of a wireless fee to be
18 used for video streaming; and
- 19 (4) The recommended structure to regulate all broadband
20 services under the department of business, economic
21 development, and tourism, including all rules,



1 regulations, and fees for the implementation of
2 broadband.

3 (g) The statewide broadband plan shall include all
4 possible revenues available for broadband infrastructure and
5 public, educational, or governmental access provided by wireless
6 carriers; provided that any proposed fees shall be fair and
7 reasonable to consumers.

8 (h) The statewide broadband plan shall address
9 technological advancements in broadband and communication
10 delivery systems.

11 (i) The statewide broadband plan shall include
12 recommendations to facilitate the deployment of high-speed
13 broadband infrastructure, including small wireless or wireline
14 facilities.

15 (j) The task force shall submit a report of its findings
16 and recommendations, including any proposed legislation, with
17 regard to the statewide broadband plan to the legislature no
18 later than twenty days prior to the convening of the regular
19 session of 2018.

20 (k) The task force shall cease to exist upon adjournment
21 sine die of the regular session of 2018.



1 PART II

2 SECTION 2. The Hawaii Revised Statutes is amended by
3 adding a new chapter to title 15 to be appropriately designated
4 and to read as follows:

5 "CHAPTER
6 SMALL WIRELESS FACILITIES AND
7 SMALL WIRELESS FACILITIES NETWORKS

8 § -1 **Applicability.** This chapter:

- 9 (1) Relates to broadband infrastructure, micro wireless
- 10 facilities, and the collocation of small wireless
- 11 facilities and small wireless facilities networks; and
- 12 (2) Is applicable to state and county agencies.

13 § -2 **Definitions.** For the purposes of this chapter:

14 "Broadband infrastructure" shall have the same meaning as
15 in section 440J-1.

16 "Collocation" means the installation, mounting,
17 maintenance, modification, operation, or replacement of wireless
18 or wireless broadband service equipment on a tower, utility
19 pole, light standard, building, or other existing structure.

20 Collocation and co-location have the same meaning. Collocating
21 is the act of causing a collocation.



1 "General applicability" means laws, rules, regulations, or
2 processes that apply objective requirements to all persons or
3 services in a nondiscriminatory manner.

4 "Light standard" means a street light, light pole, lamp
5 post, street lamp, lamp standard, or other raised source of
6 light located inside the right-of-way of a public road or
7 highway, or utility easement.

8 "Micro wireless facilities" means small wireless facilities
9 that are no larger in dimension than twenty-four inches long,
10 fifteen inches in width, twelve inches in height, and that has
11 an exterior antenna, if any, no longer than eleven inches.

12 "Small wireless facilities" means a wireless facility that
13 meets the following qualifications:

- 14 (1) Each individual antenna, excluding the associated
15 equipment, is individually no more than three cubic
16 feet in volume, and all antennas on the structure
17 total no more than six cubic feet in volume; and
18 (2) All other wireless equipment associated with the
19 structure, excluding cable runs for the connection of
20 power and other services, do not cumulatively exceed:



1 (A) Twenty-eight cubic feet for collocations on all
2 non-pole structures, including buildings and
3 water tanks, that can support fewer than three
4 providers;

5 (B) Twenty-one cubic feet for collocations on all
6 pole structures, including light poles, traffic
7 signal poles, and utility poles, that can support
8 fewer than three providers;

9 (C) Thirty-five cubic feet for non-pole collocations
10 that can support at least three providers; or

11 (D) Twenty-eight cubic feet for pole collocations
12 that can support at least three providers.

13 "Small wireless facilities network" means a group of
14 interrelated small wireless facilities designed to deliver
15 wireless communications service. "Small wireless facilities
16 network" does not include wires or cables used for wireline
17 backhaul or coaxial or fiber-optic cable between utility poles,
18 or that is otherwise not adjacent to or directly associated with
19 a particular antenna.

20 "Telecommunications service" or "telecommunications" shall
21 have the same meaning as in section 269-1.



1 "Utility pole" means a pole or similar structure that is
2 used in whole or in part for communications service, electric
3 service, lighting, traffic control, signage, or similar
4 functions.

5 "Wireless facility":

6 (1) Means equipment at a fixed location that enables
7 wireless communications between user equipment and a
8 communications network, including:

9 (A) Equipment associated with wireless
10 communications; and

11 (B) Radio transceivers, antennas, coaxial or fiber-
12 optic cable, regular and backup power supplies,
13 and comparable equipment, regardless of
14 technological configuration; and

15 (2) Does not include:

16 (A) The structure or improvements on, under, or
17 within which the equipment is collocated;

18 (B) Wireline backhaul facilities; or

19 (C) Coaxial or fiber-optic cable between utility
20 poles or that is otherwise not adjacent to or
21 directly associated with a particular antenna.



1 "Wireless provider" means a person or entity that is:
2 (1) A provider as defined in section 440J-1;
3 (2) A provider of wireless telecommunications service; or
4 (3) Authorized in accordance with chapter 269 to provide
5 facilities-based telecommunications services in the
6 State and builds, installs, operates, or maintains
7 facilities and equipment used to provide fixed or
8 mobile services through small wireless facilities.

9 "Wireline backhaul" means the transport of communications
10 or information by wire from small wireless facilities to a
11 network.

12 **§ -3 Collocation permits; application; review; approval.**

13 (a) A wireless provider proposing to install broadband
14 infrastructure, small wireless facilities, or small wireless
15 facilities networks on a state-owned or county-owned utility
16 pole, light standard, building, or structure shall submit an
17 application for a permitted use permit to a state or county
18 agency with jurisdiction over utility poles, light standards,
19 buildings, or structures. The application shall include:

20 (1) A geographic description of the project area;



1 (2) A listing and description of the utility pole, light
2 standard, building, or structure included in the
3 project for the installation, mounting, operation, and
4 placement of broadband infrastructure, including an
5 assessment of the identifying information, location,
6 and ownership of the listed utility pole, light
7 standard, building, or structure and information about
8 any ground disturbance; and

9 (3) A description of the equipment associated with the
10 facilities to be installed in the project area,
11 including radio transceivers, antennas, coaxial or
12 fiber-optic cables, power supplies, and related
13 equipment, and the size and weight of the equipment to
14 be installed on each utility pole, light standard,
15 building, or structure.

16 (b) The appropriate state or county agency shall evaluate
17 the impact of collocating the broadband infrastructure, small
18 wireless facilities, or small wireless facilities networks
19 described in the application to ensure that:

20 (1) The equipment installation on the utility pole, light
21 standard, building, or structure is done in a manner



1 to protect public health, public safety, and safe
2 travel in the public rights-of-way and does not result
3 in any violation of applicable federal requirements;

4 (2) The utility pole or light standard is able to bear the
5 additional weight of the equipment and the equipment
6 is not a hazard or obstruction to the public's use of
7 the right-of-way; and

8 (3) Consistent with Federal Communications Commission
9 regulations, the project equipment, broadband
10 infrastructure, small wireless facilities, or small
11 wireless facilities networks do not interfere with the
12 operability of public safety communications or traffic
13 signals.

14 (c) A state or county agency may adopt rules that concern
15 objective design standards for decorative poles or reasonable,
16 feasible, and objective aesthetic requirements; provided that
17 the standards and requirements do not prevent the collocation of
18 small wireless facilities.

19 (d) No provider may exclude other providers from utilizing
20 state- or county-owned utility poles, light standards, buildings
21 or structures.



1 (e) Providers shall avoid obtaining approvals to attach to
2 utility poles, light standards, buildings, or structures they
3 cannot or will not use within twenty-four months. Once a
4 provider has obtained necessary approvals, if construction is
5 not commenced within twenty-four months, attachment approvals
6 may be rescinded. Nothing in this section restricts a provider
7 from re-applying for approvals.

8 (f) Pursuant to section 27-45(a) for a state agency and
9 section 46-89(a) for a county agency, the appropriate agency
10 shall notify the applicant that:

- 11 (1) The permit is approved;
- 12 (2) The permit is approved with specified modifications;
- 13 (3) The application is returned with a list of specific
14 questions seeking answers, clarification, or
15 additional detailed information and resubmission of
16 the application with answers to the questions is
17 required; or
- 18 (4) The application is denied and the basis for the
19 denial.

20 (g) The State or county may require by rule or within a
21 building or other safety code that if, after proper engineering



1 analysis and supporting field tests, it is determined that
2 project equipment and broadband infrastructure are connected to
3 the cause of inoperability of public safety communications or
4 traffic signals, the provider shall work with the State or
5 county to determine a solution to the cause of the
6 inoperability; provided that the solution is consistent with
7 Federal Communications Commission rules.

8 (h) A provider of telecommunications or internet service
9 that enters into a franchise agreement, right-of-way agreement,
10 or other contract with the State or county, or that uses
11 facilities that are subject to such an agreement, even if the
12 provider is a beneficiary but not a signatory to the agreement
13 or contract, shall not collect personal information from a
14 customer resulting from the customer's use of the provider's
15 telecommunications or internet services without express written
16 approval from the customer. No provider of telecommunications
17 or internet service provider shall refuse to provide its
18 services to a customer because the customer has not given
19 written authorization to the provider to collect the customer's
20 personal information."

21



1 PART III

2 SECTION 3. This Act shall take effect on July 1, 2059.



Report Title:

Technology; Broadband; Counties; State Functions and Responsibilities

Description:

Establishes a broadband task force to create a statewide broadband plan. Establishes a permit application, review, and approval process for the installation of broadband infrastructure, small wireless facilities, and small wireless facilities networks on state- and county-owned property. Requires written authorization from customer for the provider to collect the customer's personal information. (SB1201 HD3 PROPOSED)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

