

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO WIRELESS BROADBAND NETWORKS.

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

1           SECTION 1. The legislature finds that broadband is  
2 increasingly intertwined with the daily functions of modern  
3 life. However, the Federal Communications Commission (FCC)  
4 estimates that over twenty-five million Americans still lack  
5 reliable broadband access, which the FCC defines as twenty-five  
6 megabits per second download and three megabits per second  
7 upload transmission speeds. To help promote the expansion of  
8 broadband services in rural and underserved areas, states like  
9 Georgia, Indiana, Vermont, and Wisconsin have recently proposed  
10 legislation, which among other things, would permit the use of  
11 electric easements for broadband services, establish rural  
12 broadband special funds, and otherwise support the construction  
13 of additional broadband infrastructure.

14           Hawaii faces similar challenges: nearly one hundred  
15 thousand residents have only one wired service provider  
16 available at their residence address; nearly twenty-two thousand  
17 residents have no wired internet providers offering service at



1 their residence; and over forty thousand residents in Hawaii do  
2 not have a wired connection capable of twenty-five megabits per  
3 second download speed or faster.

4 Therefore, the purpose of this Act to:

- 5 (1) Classify small wireless facilities and associated  
6 utility poles as permitted uses that shall not be  
7 subject to zoning review or zoning approval if they  
8 are deployed in unserved or underserved areas; and  
9 (2) Define "unserved area" and "underserved area".

10 SECTION 2. Section 206N-2, Hawaii Revised Statutes, is  
11 amended by adding two new definitions to be appropriately  
12 inserted and to read as follows:

13 "Underserved area" means an area of the State that is  
14 served by fewer than two wireless providers providing broadband  
15 service with a speed of twenty-five megabits per second for  
16 download transmission and three megabits per second for upload  
17 transmission.

18 "Unserved area" means a census block in which broadband  
19 service with a speed of twenty-five megabits per second for  
20 download transmission and three megabits per second for upload



1 transmission is not available to twenty per cent or more of the  
2 locations."

3 SECTION 3. Section 206N-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 " ~~[†]~~ §206N-4 ~~[†]~~ **Zoning.** Small wireless facilities and  
6 associated modified or replaced utility poles subject to the  
7 height limits in section 206N-5(c), shall be classified as  
8 permitted uses and shall not be subject to zoning review or  
9 zoning approval if they are deployed:

- 10 (1) In the right of way in any zone; ~~[ex]~~
- 11 (2) Outside the right of way in property not zoned  
12 exclusively for conservation~~[-]~~; or
- 13 (3) In any underserved or unserved area.

14 Nothing in this chapter shall be construed to modify  
15 existing permitting processes for the placement of wireline  
16 backhaul in the right of way."

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



# S.B. NO. 851

**Report Title:**

Wireless Broadband and Communications Networks; Underserved Areas; Unserved Areas; Zoning

**Description:**

Clarifies that certain small wireless facilities and associated modified or replaced utility poles shall be classified as permitted uses and shall not be subject to zoning review or zoning approval if they are deployed in an underserved area or unserved area. Defines "underserved area" and "unserved area".

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

