

FCC ADOPTS NEW EXCLUSION FOR POLE REPLACEMENT



The Federal Communications Commission (FCC) is required by the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) to consider environmental and historic preservation consequences of its actions, including licensing of new wireless facilities, be they collocated facilities on non-tower structures or on purpose-built antenna support structures. The FCC has similar responsibilities under its Part 17 rules relating to Antenna Structure Registration (ASR) for support structures.

In cases where a federal undertaking has no potential to impact sensitive environments or historic properties, federal agencies may implement categorical exclusions to eliminate the need for certain NEPA and/or NHPA reviews. In the subject ruling, the Commission has crafted a categorical exclusion for replacement poles. It is important to note that the exclusion pertains solely to pole replacement and not to any collocation of antennas on the replacement pole.

APPLICANT'S NEPA RESPONSIBILITIES ARE NOT AFFECTED BY THE REPLACEMENT POLE EXCLUSION

The Applicant's NEPA responsibilities are not altered by the subject rule, as there is a pre-existing NEPA exclusion for new and replacement poles in active aboveground Utility rights-of-way, provided there is no substantial increase in size (10% or 20 vertical feet) over existing structures and that ground disturbance is limited to the proximity of the new or replacement structure within the right-of-way. Note that ground disturbance and size increase criteria for NEPA exclusion are greater than that allowed under the NHPA replacement pole exclusion (see below).

COLLOCATION REVIEW REQUIREMENTS FOR POLE ATTACHMENTS ARE NOT AFFECTED BY THE REPLACEMENT POLE EXCLUSION

The replacement pole exclusion conditionally eliminates review under Section 106 of the NHPA for replacement of utility structures to accommodate the collocation of wireless antennas. Review and exclusion conditions for collocations on such structures are not affected by this ruling. For instance, collocation on a replacement Utility pole within a National Historic Landmark (NHL) property would still require review under Section 106 of the NHPA. Additionally, the volumetric limits for antennas and equipment contained in the Collocation Agreement remain unchanged (see ECA guidance: [FCC Revamps Collocation NPA to Provide Additional NHPA Exclusions](#)).

SPECIFIC CONDITIONS REQUIRED TO MEET THE NHPA REPLACEMENT POLE EXCLUSION

The FCC has determined that replacement of a pole that was constructed with a sole or primary purpose other than supporting communications antennas and that can support antennas or other wireless communications equipment with a pole that is substantially identical to the pole being replaced would have no potential to affect historic properties, provided that certain conditions are met. Therefore, the FCC has revised its rules to exclude replacement poles from Section 106 and Tribal Review, provided that the following conditions are met:

1. The original structure to be removed is a pole that can hold utility, communications, or related transmission lines.
2. The original structure was NOT originally erected for the primary purpose of supporting antennas that operate pursuant to a spectrum license or authorization issued by the Commission.
3. The original structure is not a Historic Property.
4. The replacement pole must be located no more than 10 feet from the original pole, as measured from the centerline of the replacement pole to the centerline of the original pole.
5. The construction of the replacement pole (including removal of the original pole and provisions for temporary support of utility, communications, or related transmission lines) entails no new ground disturbance, either laterally or in depth, outside previously disturbed areas. For this exclusion, the FCC defines ground disturbance as any activity that moves, compacts, alters, displaces, or penetrates the ground surface of previously undisturbed soils.
6. The replacement pole has a height that does not exceed the height of the original pole by more than 5 feet or 10 percent, whichever is greater.
7. The replacement pole has an appearance consistent in quality and appearance to the original pole (i.e., design, materials, color, shape, diameter/width, and other characteristics, except that the replacement of a wood pole with a pole of an alternate material is permissible as long the quality and appearance standard is met).

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