



115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To streamline siting processes for small cell deployment.

---

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To streamline siting processes for small cell deployment.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining The  
5 Rapid Evolution And Modernization of Leading-edge In-  
6 frastructure Necessary to Enhance Small Cell Deployment  
7 Act” or the “STREAMLINE Small Cell Deployment  
8 Act”.

9 **SEC. 2. PRESERVATION OF LOCAL ZONING AUTHORITY.**

10 Section 332(c) of the Communications Act of 1934  
11 (47 U.S.C. 332(c)) is amended by striking paragraph (7)  
12 and inserting the following:

1           “(7) PRESERVATION OF LOCAL ZONING AU-  
2 THORITY.—

3           “(A) GENERAL AUTHORITY.—Except as  
4 provided in this paragraph, nothing in this Act  
5 shall limit or affect the authority of a State or  
6 local government or instrumentality thereof over  
7 decisions regarding the placement, construction,  
8 and modification of personal wireless service fa-  
9 cilities.

10           “(B) LIMITATIONS.—

11           “(i) IN GENERAL.—Except as pro-  
12 vided in subparagraph (C), the regulation  
13 of the placement, construction, or modi-  
14 fication of a personal wireless service facil-  
15 ity by any State or local government or in-  
16 strumentality thereof—

17           “(I) shall not unreasonably dis-  
18 criminate among providers of func-  
19 tionally equivalent services; and

20           “(II) shall not prohibit or have  
21 the effect of prohibiting the provision  
22 of personal wireless service.

23           “(ii) TIMEFRAME.—A State or local  
24 government or instrumentality thereof  
25 shall act on any request for authorization

1 to place, construct, or modify a personal  
2 wireless service facility within a reasonable  
3 period of time after the request is duly  
4 filed with the government or instrumen-  
5 tality, taking into account the nature and  
6 scope of the request.

7 “(iii) WRITTEN DECISION AND  
8 RECORD.—Any decision by a State or local  
9 government or instrumentality thereof to  
10 deny a request to place, construct, or mod-  
11 ify a personal wireless service facility shall  
12 be—

13 “(I) in writing; and

14 “(II) supported by substantial  
15 evidence contained in a written  
16 record.

17 “(iv) ENVIRONMENTAL EFFECTS OF  
18 RADIO FREQUENCY EMISSIONS.—No State  
19 or local government or instrumentality  
20 thereof may regulate the placement, con-  
21 struction, or modification of personal wire-  
22 less service facilities on the basis of the en-  
23 vironmental effects of radio frequency  
24 emissions to the extent that the facilities

1           comply with the Commission's regulations  
2           concerning such emissions.

3           “(v) JUDICIAL AND ADMINISTRATIVE  
4           REVIEW.—

5           “(I) JUDICIAL REVIEW.—Any  
6           person adversely affected by any final  
7           action or failure to act by a State or  
8           local government or any instrumen-  
9           tality thereof that is inconsistent with  
10          this subparagraph may, within 30  
11          days after the action or failure to act,  
12          commence an action in any court of  
13          competent jurisdiction, which shall  
14          hear and decide the action on an ex-  
15          pedited basis.

16          “(II) ADMINISTRATIVE RE-  
17          VIEW.—Any person adversely affected  
18          by an act or failure to act by a State  
19          or local government or any instrumen-  
20          tality thereof that is inconsistent with  
21          clause (iv) may petition the Commis-  
22          sion for relief.

23          “(C) PLACEMENT, CONSTRUCTION, AND  
24          MODIFICATION OF SMALL PERSONAL WIRELESS  
25          SERVICE FACILITIES.—

1           “(i) IN GENERAL.—In addition to,  
2           and not in derogation of any of, the limita-  
3           tions under subparagraph (B), the regula-  
4           tion of the placement, construction, or  
5           modification of small personal wireless  
6           service facilities by any State or local gov-  
7           ernment or instrumentality thereof—

8                   “(I) shall not unreasonably dis-  
9                   criminate among providers of the  
10                   same service using comparable equip-  
11                   ment, including by providing exclusive  
12                   or preferential use of facilities to a  
13                   particular provider or class of pro-  
14                   viders of personal wireless service; and

15                   “(II) shall only permit a State or  
16                   local government to approve or deny a  
17                   permit or other permission to deploy a  
18                   small personal wireless service facility,  
19                   including access to a right-of-way or a  
20                   facility in a right-of-way owned or  
21                   managed by the State or local govern-  
22                   ment, based on publicly available cri-  
23                   teria that are—

24                           “(aa) reasonable;

25                           “(bb) objective; and

1 “(cc) non-discriminatory.

2 “(ii) ENGINEERING STANDARDS; AES-  
3 THETIC REQUIREMENTS.—A State or local  
4 government or instrumentality thereof may  
5 regulate the placement, construction, and  
6 modification of small personal wireless  
7 service facilities for reasons of objective  
8 and reasonable—

9 “(I) structural engineering stand-  
10 ards based on generally applicable  
11 codes;

12 “(II) safety requirements; or

13 “(III) aesthetic or concealment  
14 requirements.

15 “(iii) TIMEFRAMES.—

16 “(I) IN GENERAL.—A State or  
17 local government or instrumentality  
18 thereof shall act on a complete re-  
19 quest for authorization to place, con-  
20 struct, or modify a small personal  
21 wireless service facility not later  
22 than—

23 “(aa)(AA) for collocation of  
24 a small personal wireless service  
25 facility, 60 days after the date on

1 which the complete request is  
2 filed, except as provided in item  
3 (bb); or

4 “(BB) for any other action  
5 relating to a small personal wire-  
6 less service facility, 90 days after  
7 the date on which the complete  
8 request is filed, except as pro-  
9 vided in item (cc);

10 “(bb) for collocation of a  
11 small personal wireless service fa-  
12 cility, if the State or the area  
13 under the jurisdiction of the local  
14 government has a population of  
15 fewer than 50,000 people—

16 “(AA) 90 days after the  
17 date on which the complete  
18 request is filed, if during the  
19 30-day period ending on  
20 that date of filing, the appli-  
21 cable wireless service pro-  
22 vider filed fewer than 50 re-  
23 quests for collocation of a  
24 small personal wireless serv-  
25 ice facility with the State or

1 local government or instru-  
2 mentality thereof; or

3 “(BB) 120 days after  
4 the date on which the com-  
5 plete request is filed, if dur-  
6 ing the 30-day period ending  
7 on that date of filing, the  
8 applicable wireless service  
9 provider filed not fewer than  
10 50 requests for collocation of  
11 a small personal wireless  
12 service facility with the  
13 State or local government or  
14 instrumentality thereof; or

15 “(cc) for any other action  
16 relating to a small personal wire-  
17 less service facility, if the State  
18 or the area under the jurisdiction  
19 of the local government has a  
20 population of fewer than 50,000  
21 people—

22 “(AA) 120 days after  
23 the date on which the com-  
24 plete request is filed, if dur-  
25 ing the 30-day period ending



1 on that date of filing, the  
2 applicable wireless service  
3 provider filed fewer than 50  
4 requests for any other action  
5 relating to a small personal  
6 wireless service facility with  
7 the State or local govern-  
8 ment or instrumentality  
9 thereof; or

10 “(BB) 150 days after  
11 the date on which the com-  
12 plete request is filed, if dur-  
13 ing the 30-day period ending  
14 on that date of filing, the  
15 applicable wireless service  
16 provider filed not fewer than  
17 50 requests for any other  
18 action relating to a small  
19 personal wireless service fa-  
20 cility with the State or local  
21 government or instrumen-  
22 tality thereof.

23 “(II) APPLICABILITY.—The ap-  
24 plicable timeframe under subclause (I)  
25 shall apply collectively to all pro-

1           ceedings required by a State or local  
2           government or instrumentality thereof  
3           for the approval of the request.

4           “(III) NO TOLLING.—A time-  
5           frame under subclause (I) may not be  
6           tolled by any moratorium, whether ex-  
7           press or de facto, imposed by a State  
8           or local government on the consider-  
9           ation of any request for authorization  
10          to place, construct, or modify a small  
11          personal wireless service facility.

12          “(IV) TEMPORARY WAIVER.—  
13          The Commission may temporarily  
14          waive the applicability of subclause (I)  
15          for not longer than a single 30-day  
16          period for any complete request upon  
17          a demonstration by a State or local  
18          government that the waiver would be  
19          consistent with the public interest,  
20          convenience, and necessity.

21          “(iv) DEEMED GRANTED.—If a State  
22          or local government or instrumentality  
23          thereof has neither granted nor denied a  
24          request within the applicable timeframe  
25          under subclause (I) of clause (iii), includ-

1           ing any temporary waiver granted under  
2           subclause (IV) of that clause, the request  
3           shall be deemed granted on the date that  
4           is 31 days after the date on which the gov-  
5           ernment instrumentality receives a written  
6           notice of the failure from the applicant.

7           “(v) FEES.—Notwithstanding any  
8           other provision of law, a State or local gov-  
9           ernment may charge a fee to consider an  
10          application for the placement, construction,  
11          or modification of a small personal wireless  
12          facility, or to use a right-of-way or a facil-  
13          ity in a right-of-way owned or managed by  
14          the State or local government for the  
15          placement, construction, or modification of  
16          a small personal wireless facility, if the fee  
17          is—

18               “(I) competitively neutral, tech-  
19               nology neutral, and nondiscrim-  
20               inatory;

21               “(II) publicly disclosed; and

22               “(III)(aa) except as provided in  
23               item (bb), based on actual and direct  
24               costs, such as costs for—

1                   “(AA) review and processing  
2                   of applications;  
3                   “(BB) maintenance;  
4                   “(CC) emergency responses;  
5                   “(DD) repairs and replace-  
6                   ment of components and mate-  
7                   rials resulting from and affected  
8                   by the installation of small per-  
9                   sonal wireless facilities, improve-  
10                  ments, and equipment that facili-  
11                  tates the deployment and instal-  
12                  lation of such facilities; or  
13                  “(EE) inspections; or  
14                  “(bb) calculated in accordance  
15                  with section 224, in the case of a fee  
16                  charged for the placement, construc-  
17                  tion, or modification of a small per-  
18                  sonal wireless facility on a pole, in a  
19                  right-of-way, or on any other facility  
20                  that may be established under that  
21                  section.  
22                  “(vi) RULE OF CONSTRUCTION.—  
23                  Nothing in this subparagraph shall be con-  
24                  strued to prevent any State or local gov-  
25                  ernment from imposing any additional lim-



1           “(iv) the term ‘complete request’  
2 means a request for which the applicant  
3 has not received written notice from the  
4 State or local government within 10 busi-  
5 ness days of submission—

6           “(I) stating in writing that the  
7 request is incomplete; and

8           “(II) identifying the information  
9 causing the request to be incomplete;

10          “(v) the term ‘generally applicable  
11 code’ includes a uniform building, fire,  
12 electrical, plumbing, or mechanical code  
13 adopted by a national code organization, or  
14 a local amendment to such a code, to the  
15 extent not inconsistent with this Act;

16          “(vi) the term ‘network interface de-  
17 vice’ means a telecommunications demarcation  
18 device and cross-connect point that—

19           “(I) is adjacent or proximate  
20 to—

21           “(aa) a small personal wire-  
22 less service facility; or

23           “(bb) a structure supporting  
24 a small personal wireless service  
25 facility; and

1                   “(II) demarcates the boundary  
2                   with any wireline backhaul facility;

3                   “(vii) the term ‘personal wireless serv-  
4                   ice’ means—

5                   “(I) commercial mobile service;

6                   “(II) commercial mobile data  
7                   service (as that term is defined in sec-  
8                   tion 6001 of the Middle Class Tax Re-  
9                   lief and Job Creation Act of 2012 (47  
10                  U.S.C. 1401));

11                  “(III) unlicensed wireless service;  
12                  and

13                  “(IV) common carrier wireless  
14                  exchange access service;

15                  “(viii) the term ‘personal wireless  
16                  service facility’ means a facility for the  
17                  provision of personal wireless service;

18                  “(ix) the term ‘small personal wireless  
19                  service facility’—

20                  “(I) means a personal wireless  
21                  service facility in which each antenna  
22                  is not more than 3 cubic feet in vol-  
23                  ume; and

24                  “(II) does not include a wireline  
25                  backhaul facility;

1                   “(x) the term ‘unlicensed wireless  
2                   service’—

3                   “(I) means the offering of tele-  
4                   communications service using a duly  
5                   authorized device that does not re-  
6                   quire an individual license; and

7                   “(II) does not include the provi-  
8                   sion of direct-to-home satellite service,  
9                   as defined in section 303(v); and

10                   “(xi) the term ‘wireline backhaul facil-  
11                   ity’ means an above-ground or under-  
12                   ground wireline facility used to transport  
13                   communications service or other electronic  
14                   communications from a small personal  
15                   wireless service facility or its adjacent net-  
16                   work interface device to a communications  
17                   network.”.

18 **SEC. 3. GAO STUDY OF BROADBAND DEPLOYMENT ON**  
19 **TRIBAL LAND AND ON OR NEAR TRUST LAND.**

20                   Not later than 1 year after the date of enactment  
21 of this Act, the Comptroller General of the United States  
22 shall—

23                   (1) in consultation with the Secretary of Agri-  
24                   culture, the Director of the Bureau of Indian Af-  
25                   fairs, and the Federal Communications Commission,



1 study the process for obtaining a grant of a right-  
2 of-way to deploy broadband infrastructure on tribal  
3 land or on or near trust land, as defined in section  
4 3765 of title 38, United States Code;

5 (2) in conducting the study under paragraph  
6 (1), consider the unique challenges involved in  
7 broadband deployment on tribal land and on or near  
8 trust land; and

9 (3) submit to Congress a report on the study  
10 conducted under paragraph (1).