

**Comments from Ohio State Historic Preservation Office**

**RE: FCC Notice of Proposed Rulemaking: Accelerating Wireless  
Broadband Deployment by Removing Barriers to Infrastructure  
Investment WT Docket No. 17-79**

**June 5, 2017**

The Ohio State Historic Preservation Office (SHPO) appreciates the opportunity to present our comments to the Federal Communications Commission (FCC) regarding proposals to reduce regulatory impediments to wireless network infrastructure investment and deployment. We understand and value the importance of providing timely responses to FCC applicants and that is why we have worked hard over the last couple of years to improve our response time. In 2013, our average response time was 35.658 days to FCC applicants. By 2016, we improved our average response time to FCC applicants to 18.274 days. We have utilized technology to support us in improving our response time including sending our official correspondence letters via email instead of regular mail. However, at this time we are still processing paper submissions, so the proposal regarding Batching would not assist us in reducing our response time. The Ohio SHPO is available to work with the FCC in developing other options that may improve response time including, but not limited to; not requiring archaeology surveys in highly urbanized/disturbed area, establishment of a smaller APE for urban areas, and establishing "Sensitive Zones" around World Heritage Sites and National Historic Landmarks.

Regarding NHPA Exclusions for Small Facilities, the Ohio SHPO feels it is too soon to evaluate the effectiveness of the recently revised Nationwide Programmatic Agreement for the Colocation of Wireless Antennas (August 2016). Nonetheless, it would be helpful if any future changes are based on tracking results through annual reporting. Regarding NHPA Exclusions for Pole Replacements, the Ohio SHPO has concerns of a new exclusion for all pole replacements in the Right of Way even in historic districts. This concern is due to the surprising density of these and the fact that a series of small impacts can result in a cumulative adverse effect. For Collocations, the Ohio SHPO recommends that the Historic District Buffer remain 250' to reduce likely impacts. In addition, the Ohio SHPO is not in support of the proposal to exclude Collocations from Section 106 review if they undergo local historic preservation board review. Many of these Boards do not have members qualified in the field of historic preservation and have not received training specific to the review of telecommunications projects.

Finally, regarding Collocations on Twilight Towers, the Ohio SHPO recommends that the FCC consider establishing a mitigation bank similar to that used to resolve the lack of compliance for PTC towers.

## Process Reforms

### *Tribal Engagement*

- Ohio SHPO recommends the guidance from document published in January 2017 titled *“Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions”* located at:  
<https://www.bia.gov/cs/groups/public/documents/document/idc2-060030.pdf>

## Process Reforms con't

### *Other NHPA Process Issues*

#### 1. 39. Lack of Response.

##### Ohio SHPO Records on FCC projects since 2013:

	2013	2014	2015	2016	2017
0-5 days	27	64	51	48	18
6-13 days	12	49	121	55	12
14-20 days	14	33	68	110	29
21-30 days	72	273	83	165	62
Over 30 days	217	213	102	13	1
<b>TOTAL</b>	342	632	425	391	122
Average days for review	35.658	26.606	22.52	18.274	18.451
No Effect	22	29	27	57	16
No Properties Effectuated	72	297	157	139	35
No Adverse Effect	82	148	118	91	31
Adverse Effect	4	2	11	3	0
No properties in project area	46	28	21	3	3
Other (more info requested etc.)	116	128	91	98	37

- We are now emailing our response letters to applicants/consultants rather than surface mailing which has reduced delays in applicants receiving letters
- We routinely use phone and email to facilitate monitor information requests and reduced when we ask applicants for additional information.
- However, when we do ask for additional information, we have no control on how long it will take consultants/applicants to get back to us which can cause delays cause delays in resolving project reviews that are inappropriately attributed to SHPOs

- It is difficult for SHPOs to locate a Point of Contact outside of Consultants submitting forms. Could FCC help SHPOs identify an intermediate contact (at the Carrier) someone between the FCC FPO and the Consultant?

## **Process Reforms con't**

### *Other NHPA Process Issues*

#### 41. Batching

- In Ohio we are still processing paper submissions. Therefore, Batching would not save time since we still review each tower or facility separately and assign each tower or facility a separate identification number. Likely that batching would cause unfunded administrative burden to SHPOs rather than introducing any efficiencies.
- Batching may work in limited geographical areas when there is common ownership or functionality [i.e. Hospital Campus, College Campus, Cedar Point (amusement park)]

## **Process Reforms con't**

### *Other NHPA Process Issues*

#### *43. Other NHPA Process Reforms*

- Would FCC consider asking applicants to pay a small fee for an expedited review of one tower or facility (i.e. \$200 for 10 days instead of 30)? This would help to relieve some of the administrative burden these type of reviews can create for SHPOs and assist applicants with giving them an option for expedited reviews
- It would be beneficial for all parties involved in the NHPA review process to see increased participation of FCC staff. Applicants and SHPOS should have more opportunity to ask FCC staff questions and receive response from the FCC within a known timeframe to resolve difficult reviews or interpret FCC rules.
- Also, it would be helpful to know:
  - o What is the FCC's goal for response time to Applicant and SHPO requests?
  - o What methods does FCC prefer to receive communications from Applicants and SHPOs that will efficiently produce successful consultation?
  - o Is there currently an affirmative responsibility for the FCC's to respond to Applicant and SHPO requests?
- Ohio SHPO recommends that FCC explore new prototypes that would test solutions to consultation problems such as regional reviewer positions or funded SHPO positions at the state or regional level. This funding could possibly come from mitigation bank from Twilight Towers (see comments on this below)

- Ohio SHPO is open to not requiring archaeology surveys in highly urbanized/disturbed areas. Also, we are open to allowing Consultants to have professional discretion on whether or not archaeology survey is required. We also recommend that consultants may also conclude that additional or supplemental architecture survey is required given the sensitivity to a particular historic site.
- SHPOs/THPOs are willing to work with FCC and Carriers to set up “Sensitive Zones” for areas such as ones surrounding World Heritage Sites or National Historic Landmarks
- Ohio SHPO is open to exempt Compound expansion when no previous archaeological sites found in previously reviewed survey
- For projects involving change/replacement of existing equipment: Ohio SHPO is willing to exempt these from review if there was a positive SHPO (i.e. No Historic Properties Affected and No Adverse Effect) review within last 5 years.
- Ohio SHPO requests guidance from FCC regarding Collocations located on non-tower structures built out of compliance, especially collocations installed on historic buildings. It is our opinion that the FCC should be involved in resolving individual cases. It is our recommendation that FCC should require carriers to either remove or make inoperable the non-compliant collocation until such time as they are submitted as new builds under the current regulatory framework.
- FCC should also keep records so SHPOs do not bear entire administrative burden of which are in compliance and which are not. Some SHPOs purge all records after 5 years and so if the SHPO does not have a record of it – it does not exist since no record held by FCC.



### ***NHPA Exclusions for Small Facilities***

- Ohio SHPO does not feel that there is a reasonable basis, yet, to evaluate the effectiveness of the recently revised *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, addressing the installation of small cell facilities, which was executed in August 2016.
- Ohio SHPO suggest that should future changes be considered they should be based on longitudinal data that tracks the efficiency and effectiveness of those changes.
  - What are the criteria to determine if it is successful or not?
  - What if Carriers sent us data on how many were excluded?
  - Encourage the FCC to share exclusions as part of annual reporting

## NHPA Exclusions for Small Facilities con't

### *46. and 47. Pole Replacements*

- Ohio SHPO has concerns about the use of wholesale pole replacement policies within historic districts. Please note: size of structure is not the only way SHPOs determine effects in Historic Districts.
- Given the desire of multiple carriers to collocate facilities in the same urban areas, resulting in using the same facilities, it is our belief the requests for overlapping installations will be surprisingly dense. Ohio SHPO recommends that FCC consider further consultation about common sense limitations on collocations within known local and National Register historic districts. A series of small impacts can result in a cumulative adverse effect. We recommend that the FCC consider limitations on how many carriers can locate on a single pole. We need to learn from the past and be proactive on this issue by comparing Broadband Deployment to Collocations that occurred before we totally understood the cumulative impacts. Now 15 years later we are still dealing with Adverse Effects from previous Collocations that we are unable to resolve from a lack of procedural guidance from the FCC.
- We have provided an example of where a small facilities pole located in a National Register Historic District could have caused an adverse effect:

**Example 1:** RNC Small Cell Site in Cleveland - This proposal was one of a group of nodes intended to provide new capacity in support of the Republican National Convention and other events within a newly improved downtown park. The node's location within two National Register listed historic districts, a locally designated historic district and proximity to another individually listed National Historic Landmark

building was of concern. The initial plan was to replace an existing small “walk-don’t walk” signal pole with a 35’ replacement pole. However, this area had recently been provided with new light poles that were selected to be compatible with the historic districts (federally reviewed undertaking). The revised plan provided for the node to be mounted at the top of one of those poles, instead of introducing another pole and cabinet at a prominent street corner location.

Example 1. Original plan for 35' new pole at prominent corner location in Historic District







Example 1a. Revised plan for the node to be mounted at the top of one of existing poles instead of introducing another pole and cabinet at prominent corner location



(BEFORE)



(AFTER)

SHEET TITLE:		VERIZON WIRELESS SITE NAME:		SITE INFORMATION:		REV.	DATE	DESCRIPTION	<div> POWER OF DESIGN 11490 BLUEGRASS PKWY LOUISVILLE, KY 40299 502-437-5252</div> <div></div>
PHOTO 1		CLEVELAND SC2		CLEVELAND RNC SC2		A	5.3.16	ISSUED FOR REVIEW	
		LATITUDE: 41° 29' 58.70"		2014 E 4TH STREET CLEVELAND, OH 44114 CUYAHOGA COUNTY					
		LONGITUDE: 81° 41' 25.39"							
		POD NUMBER: 16-8888							
SHEET NUMBER:		DRAWN BY: NAB		APPLICANT:					
1		CHECKED BY: JMW		CROWN CASTLE					
		DATE: 5.3.16		TWO EASTERN OVAL SUITE 425 COLUMBUS, OH 43219					



## **NHPA Exclusions for Small Facilities con't**

### *48-49. Right of Way*

- Ohio SHPO is willing to accept that Interstate ROW outside of urban areas can be exempt (i.e. clover leaf interchanges, modern rest areas)
- Transportation rights-of-way are already defined by state and federal transportation agencies and it is our opinion that the FCC should not provide conflicting definitions to these legally established rights-of-way.

## **NHPA Exclusions for Small Facilities con't**

### *52. Collocations*

- Ohio SHPO recommends that the Historic District buffer should remain at 250' to reduce likely impacts.

**Example 2:** See project example where a Collocation was within 150' of a Historic District boundary. SHPO recommended the stealth treatment due to the close proximity of the Historic District.

- Ohio SHPO is open to considering a standard "urban APE" that is more compact for collocations (i.e. Line of Sight). This could also fit into a new expedited review category and be a possible exemption for need of urban archaeology survey.
- Suggest that FCC develop a Best Practices document for Carriers & Consultants to deal with issue that Collocations can jeopardize ability of private building owners to qualify for state and federal tax credits when collocations are built on historic buildings that don't meet the Secretary of the Interior's Standards for Rehabilitation
- National Historic Landmarks (NHLs) currently don't get any special treatments under FCC PA. FCC should always be involved with there is an Adverse Effect to a NHL.
- Ohio SHPO is concerned with the proposal of excluding Collocations from Section 106 review that undergo local historic preservation board review and receive a Certificate of Appropriateness:
  - o Many of these Boards do not have members who are SOI qualified in the field of historic preservation and have not

received training specific to the review of telecommunications projects.

**Example 3:** See project example below where a local board approved a Collocation that (as originally proposed) would have doubled the height of the decorative corner parapet on a historic building as stealth frames for antennas that could have constituted an Adverse Effect under Section 106 Review.



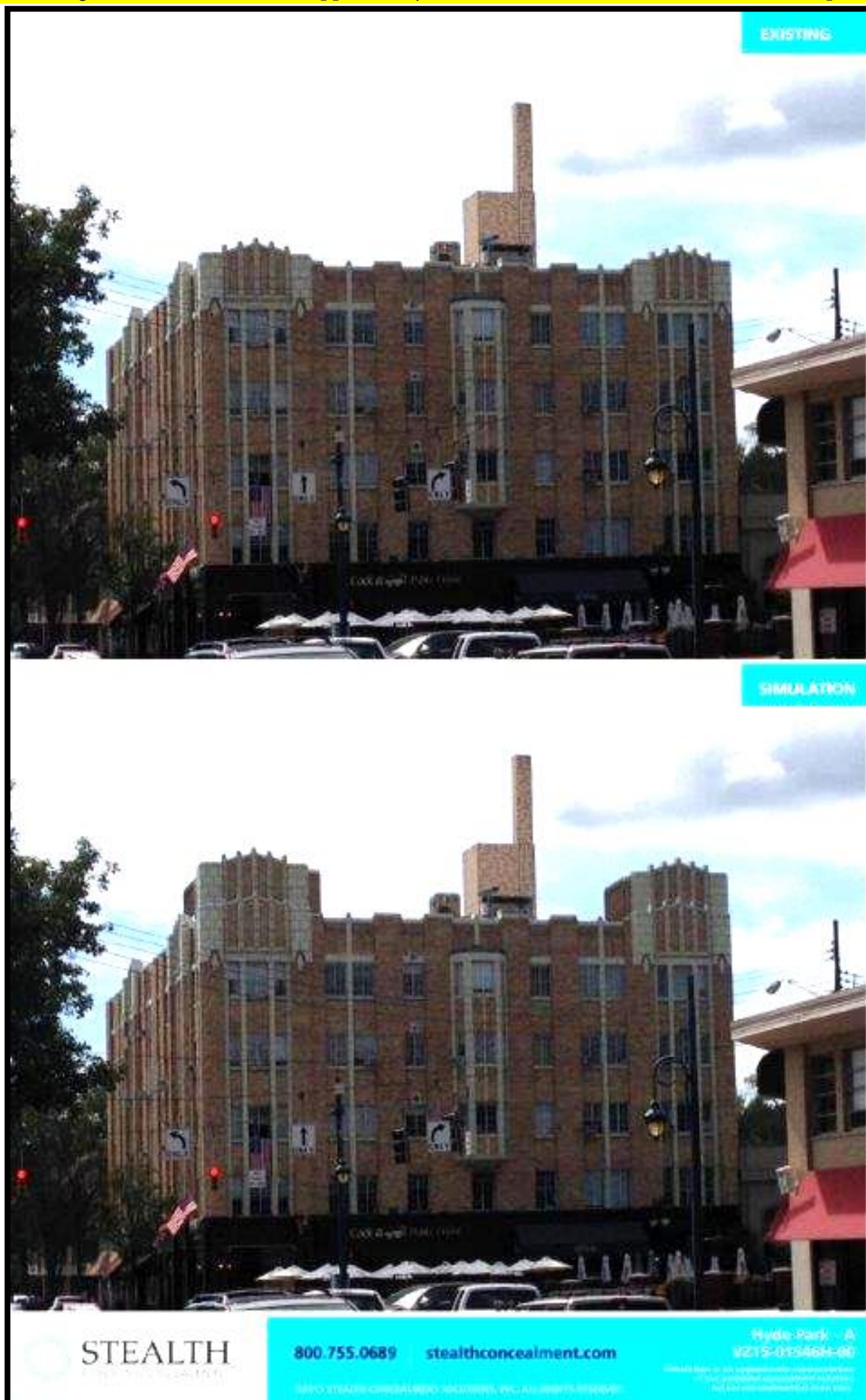
Example 2. Collocation (prior to Stealth treatment) on non-historic building 150' from Historic District Boundary



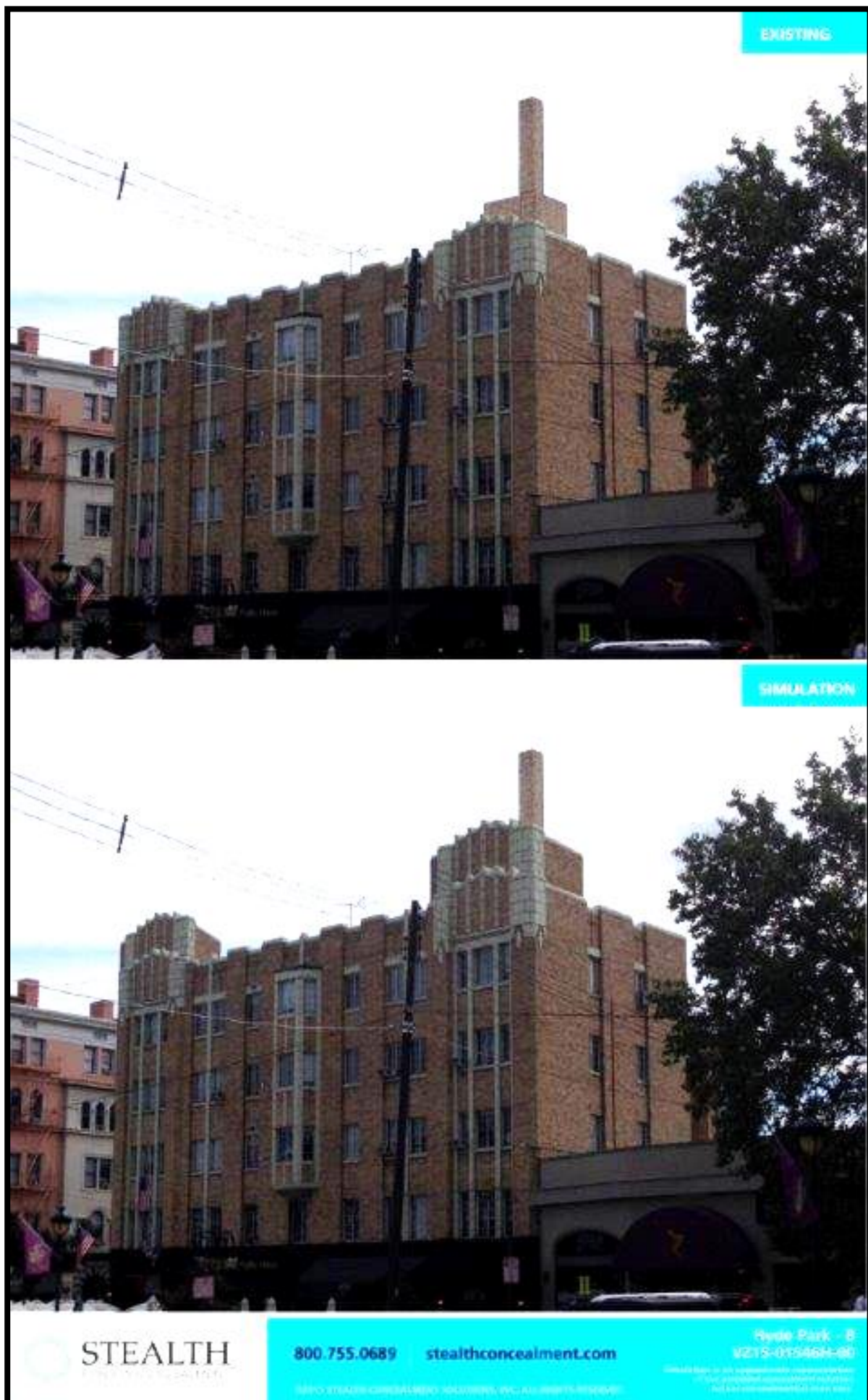
Example 2a. Collocation after Steath treatment on non-historic building 150' from Historic District Boundary







**Figure 7.** Photosimulation of the proposed collocation.



**Figure 8.** Photosimulation of the proposed collocation.





**Figure 9.** Photosimulation of the proposed collocation.





**Figure 10.** Photosimulation of the rear side of the proposed four-sided enclosure.



Existing Conditions



Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility  
Kilgore, CNCN-473, Hyde Park Terrace Rooftop – Location 1





Existing Conditions



Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility  
Kilgore, CNCN-473, Hyde Park Terrace Rooftop – Location 2





Existing Conditions



Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility  
Kilgore, CNCN-473, Hyde Park Terrace Rooftop – Location 3





Existing Conditions



Photo-Simulation (to Scale) of Proposed Verizon Wireless Facility  
Kilgore, CNCN-473, Hyde Park Terrace Rooftop – Location 4

## **Scope of Undertaking & Action**

### *57-61. Collocations on Twilight Towers*

- FCC has not established a total number of twilight towers or evaluated how many of these are likely to have had adverse effects on historic properties. Ohio SHPO is not willing to consider any solution that assumes there is no benefit to mitigation or review for select examples of these towers.
- Solution: Ohio SHPO recommends, in an effort to resolve this matter in a programmatic way, that FCC should consider establishing a mitigation bank similar to that used to resolve the lack of compliance for PTC towers. Carriers should be offered the opportunity to report on the status and location of their twilight towers, then to validate those towers' continued use through self-certification and their commitment to participate in the mitigation bank.