

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development  
Office of the Secretary**

Wireless Telecommunications Permit (LAC 70:II.1509)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1, and pursuant to the authority set forth in R.S. 48:381.2, the Secretary of the Department of Transportation and Development declares an emergency to exist; and hereby adopts by emergency process the attached Rule relative to the adjustment of fees for cell tower permits.

The effects of COVID-19 continue to increase the need for Louisiana residents to work and attend school virtually; thus, necessitating expansion and maximization of broadband capacity and wireless communication in communities that are markedly lacking in these services. In addition to the continued need created by COVID-19, the passage of the Infrastructure Investment and Jobs Act (“IIJA”) availed funds for future broadband infrastructure. As this infrastructure expands, small cell towers are the necessary last step to bring high speed internet to all Louisiana citizens, especially those located in rural areas.

The department will charge wireless communication companies permit fees, ranging from \$1500 to \$3500, as outlined in Subsection B of §1509 as amended, to erect a tower or a pole, or to use an existing pole. The wireless communication companies will be allowed to renew each of their annual permits based on the total number of installation facilities.

The department will charge installation fees and annual renewal fees for small wireless facilities, as outlined in Subsection C of §1509 as amended. The department will charge \$270.00 for annual renewals for each of the small wireless facilities, regardless of location. The small wireless facility annual renewal rate will be subject to a cost reevaluation every three years.

The expediency of implementation will stimulate expansion of facilities across the state, especially in rural areas, at a lower cost to the communication carrier, while also increasing access to communication services to the entire state.

This Rule shall have the force and effect of law upon signature, and will remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final rule, whichever comes first.

**Title 70**

**TRANSPORTATION AND DEVELOPMENT**

**Part II. Utilities**

**Chapter 15. DOTD Wireless Telecommunications Permit**

**§1509. Fees**

A. Definitions for use in this Section.

*Installation Facility*—any tower or pole installed or utilized by a wireless telecommunications carrier for wireless audio and visual communications.

*Self-Supporting Tower*—a three or four sided lattice structure with self-supporting frame made from solid rod, pipe, or angle.

*Monopole/Guyed Tower*—tower that consists of one stem or one pole anchored to the ground and supported by a

structurally designed foundation or guyed anchor system. The wires may be anchored to the top of the structure or to the ground.

*Pole*—column or post, constructed of wood or metal, supported by a simple concrete foundation up to 2 feet in diameter and/or with partial embedment.

*Small Wireless Facility (SWF)*—wireless communications facilities that meet each of the following conditions:

- a. the facilities:
  - i. are mounted on poles or other structures 50 feet or less in height including their antennas;
  - ii. are mounted on poles or other structures no more than 10 percent taller than other adjacent poles or structures; or
  - iii. do not extend existing poles or other structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- b. each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 ft<sup>3</sup> in volume;
- c. all other wireless equipment associated with the pole or other structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the pole or other structure, is no more than 28 ft<sup>3</sup> in volume;
- d. the facilities do not require antenna structure registration under C.F.R. Title 47, Chapter 1 Federal Communications Commission, Part 17;
- e. the facilities are not located on Tribal lands, as defined under 36 C.F.R. 800.16(x); and
- f. the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

*Utility Pole*—column or post used to support overhead power lines and various other public utilities, such as electrical cable, fiber optic cable, and related equipment such as transformers and streetlights.

B. The following fees shall apply to wireless telecommunications installations, except for small wireless facilities, placed within state highway rights-of-way.

Type of Tower	Annual Fee
Self-Supporting Tower/Antenna	\$3,500
Monopole/Antenna	\$2,000
Attachments to Existing Utility/Light Poles	\$1,500
Co-Location on DOTD Tower	\$3,500
Video Cameras	Supply feed to DOTD

C. Annual renewal fees for each Small Wireless Facility shall be \$270.00, regardless of location of the SWF. Permits are subject to a reevaluation cost every three years of an additional \$82.59 per permit. The following fees shall be assessed for each initial permit, based on the classifications of the roadway in accordance with the most current edition of the Federal Highway Administration’s Highway Functional Classification Concepts, Criteria, and Procedures.

Highway Classification	Installation of SWF on a New Pole	Installation of New SWF on Existing Pole
Interstate Urban	\$2100.00	\$1850.00
Interstate Rural	\$1575.00	\$1387.50
Freeway/Expressway Urban	\$2100.00	\$1850.00

<b>Highway Classification</b>	<b>Installation of SWF on a New Pole</b>	<b>Installation of New SWF on Existing Pole</b>
Freeway/Expressway Rural	\$1575.00	\$1387.50
Principal Arterial Urban	\$1575.00	\$1387.50
Principal Arterial Rural	\$1050.00	\$925.00
Minor Arterial Urban	\$1050.00	\$925.00
Minor Arterial Rural	\$525.00	\$462.50
Major Collector Urban	\$525.00	\$462.50
Major Collector Rural	\$210.00	\$185.00
Minor Collector Urban	\$525.00	\$462.50
Minor Collector Rural	\$210.00	\$185.00

D. All permit fees must be paid to the department by check or money order. The department will not accept cash.

E. All permits will be in force and effect for a period of one year from the date the permit was issued.

F. The department may waive fees in exchange for shared resources.

G. The department may waive fees for those permit applicants who erect facilities, attachments or cameras for the use of the department or other state agencies or political subdivisions to conduct departmental or state work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January, 1999), amended LR 30:272 (February 2004), amended by the Department of Transportation and Development, Office of Secretary, LR 48:

Shawn D. Wilson, Ph.D.  
Secretary

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