

ALERT

FCC Executes First Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, Creating New Exclusions for Certain Small Cell Deployments

August 8, 2016

The Wireless Telecommunications Bureau (WTB) of the Federal Communications Commission (FCC), together with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO), executed the First Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement) in recognition of the limited potential for certain small wireless antennas and related equipment to adversely affect historic properties. The amendment creates new exclusions from the FCC's review process for small cell deployments, which incorporates requirements of Section 106 of the National Historic Preservation Act (NHPA).

The First Amendment to the Collocation Agreement excludes the following small wireless deployments from the Section 106 review process, subject to certain conditions:

- Collocation of small wireless antennas and associated equipment on buildings and non-tower structures if they are outside of historic districts and are not historic properties;
- Collocation of small or minimally visible wireless antennas and associated equipment on structures in historic districts or on historic properties;

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- Replacements of small wireless antennas and associated equipment; and
- Collocations in the interior of a building.

The FCC anticipates that these new exclusions will reduce the cost, time, and burden associated with deploying small facilities and will thereby facilitate advancement of 5G mobile services.

It must be noted that the agreement affects only the FCC's review process under Section 106 of the NHPA and will not limit State and local governments' authority to enforce their own historic preservation requirements, consistent with Section 332(c)(7) of the Communications Act and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. In addition, the terms of the amendment do not apply on tribal lands.