

Maxey, Lisa

From: Calhoun, Joseph
Sent: Thursday, July 18, 2019 8:20 AM
To: Maxey, Lisa
Subject: FW: City of Yakima Wireless

For the YPC packet.

Joseph Calhoun

From: Freudenthal, Debra [mailto:FreudeD@wsdot.wa.gov]
Sent: Wednesday, July 17, 2019 11:12 AM
To: Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>
Cc: Gruber, John <GruberJ@wsdot.wa.gov>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Hoffman, Walt <HoffmaW@wsdot.wa.gov>
Subject: RE: City of Yakima Wireless

Joseph,

Since WSDOT submitted our comments on the proposed wireless facility code which were generally based on past interference issues experienced with companies operating on the same band as public safety, we have re-reviewed and revised our practices and policies and want to revise our initial comments. Below is the recommended language to incorporate into the proposed code update as WSDOT believes that generally, additional coordination with state/city/county communications is sufficient regardless of location and proximity to a state highway.

Any new facilities proposed shall provide to WSDOT and local public safety agencies contact information including their local field engineer/technicians, proposed operating frequencies and turn-on date. Proponents agree to cooperative testing and reasonable efforts to mitigate interference as required such as the addition of protective devices and/or filters, as needed. A copy of the completed testing, including any required WSDOT conditions, shall be provided to the Planning Division.

Thank you for your outreach and consideration. Please let us know if you have any questions.

Debi Freudenthal

Transportation Planning Specialist

WSDOT South Central Region Planning Office
2809 Rudkin Road, Union Gap, WA 98903
509-577-1633

From: Gonseth, Paul <GonsetP@wsdot.wa.gov>
Sent: Tuesday, July 16, 2019 11:05 AM
To: Gruber, John <GruberJ@wsdot.wa.gov>
Subject: FW: City of Yakima Wireless

Please review

From: Calhoun, Joseph <Joseph.Calhoun@YAKIMAWA.GOV>
Sent: Tuesday, July 16, 2019 10:55 AM

To: Gonseth, Paul <GonsetP@wsdot.wa.gov>

Subject: City of Yakima Wireless

Paul,

I received your comment on our proposed changes to YMC Ch. 15.29. Please see the draft language below which would be put into our development standards, and let me know if that is satisfactory:

H. Facilities within 500-feet of Interstate 82, US Highway 12, and State Route 24. Any new facilities proposed in these areas shall complete cooperative testing with the Washington State Department of Transportation (WSDOT) to identify any problems that may be corrected through the installation of specific protective or interference devices. A copy of the completed testing, including any required WSDOT conditions, shall be provided to the Planning Division.

Thanks,

Joseph Calhoun

Planning Manager

City of Yakima

509-575-6042

joseph.calhoun@yakimawa.gov





July 24, 2019

Via email to Joe Calhoun, Staff Liaison
<mailto:joseph.calhoun@yakimawa.gov>

Yakima Planning Commission
Patricia Byers (Chair)
Jacob Liddicoat (Vice-Chair)
Bill Cook
Al Rose
Leanne Hughes-Mickel
Philip Ostriem
Robert McCormick

Re: Yakima Wireless Code Update-Planning Commission Meeting 7-24-2019

Dear Chair Byers and Commissioners-

On behalf of Verizon Wireless, thank you for the opportunity to comment. We appreciate the work that the city is now doing to comply with the recent FCC Order, "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order (September 26, 2018)" which contains extensive new requirements for regulating small wireless facilities in the right of way. Staff has been very responsive in addressing other technical and logistical issues during the planning commission process, especially in the area of small wireless technology.

Verizon supports the direction of the draft code, as presented, with a few remaining issues:

- Section 15.29.060(H) requires cooperative testing with the Washington Department of Transportation for potential interference and to submit proof of such testing to the Planning Department. Both the city and the state lack the

authority to regulate radio frequency interference. The Federal Communications Commission (“FCC”) has the exclusive authority to regulate radio frequency interference (“RFI”), and local regulations that require a wireless applicant to demonstrate that its facilities will not cause RFI are preempted by federal law, as are conditions of project approval requiring remediation of any resulting RFI. New York SMSA Limited Partnership v. Town of Clarkstown, 612 F.3d 97, 105 (2nd Cir. 2010).

- The definition of "tower" could arguably be applied to new poles constructed to support small wireless facilities. Verizon requests that language be added to clarify that new support structures for small wireless facilities are not considered towers.
- Section 15.29.130A(1) states that a computer generated "zone of visibility" map for new towers may be required to show within a one mile radius where the tower can be seen. To date, there is no software available to create such a map and no recognized consultants that can assist. Verizon requests that this section be deleted.

Thank you for the chance to comment and we appreciate the opportunity to work with the City to develop a FCC compliant code that preserves the look and feel of your community, while providing an efficient and workable process to deliver the quality service your residents, visitors and businesses have come to expect.

Sincerely,



Kim Allen, Senior Vice President
Wireless Policy Group, LLC on behalf of Verizon Wireless