

[Federal Register: June 16, 1997 (Volume 62, Number 115)]
[Notices]
[Page 32611-32615]
From the Federal Register Online via GPO Access
[wais access. gpo. gov]
[DOCID: frl6jn97-64]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR D-242]

Placement of Commercial Antennas on Federal Property

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Notice of bulletin.

SUMMARY: The attached bulletin provides all Federal agencies with the general guidelines and processes for implementation of President Clinton's memorandum of August 10, 1995, entitled "Facilitating Access to Federal Property for the Siting of Mobile Services," and section 704(c) of the Telecommunications Act of 1996, Public Law 104-104.

EFFECTIVE DATE: June 11, 1997.

FOR FURTHER INFORMATION CONTACT: Stanley C. Langfeld, Director, Real Property Policy, 202-1737.

SUPPLEMENTARY INFORMATION:

GSA Bulletin FPMR D-242; Public Buildings and Space

To: Heads of Federal agencies
Subject: Placement of commercial antennas on Federal property

1. Purpose. This bulletin provides all Federal agencies with the general guidelines and processes for implementation of President Clinton's memorandum of August 10, 1995, entitled "Facilitating Access to Federal Property for the Siting of Mobile Services Antennas", and section 704(c) of the Telecommunications Act of 1996, Public Law 104-104 (47 U.S.C. Sec. 332 note)

2. Expiration. This bulletin expires June 30, 1999, unless sooner canceled or revised.

3. Background.

a. On August 10, 1995, President Clinton signed a memorandum directing the Administrator of General Services, in consultation

Atch 1-1

with the heads of other Federal agencies, to develop procedures necessary to facilitate access to Federal property for the siting of "mobile services antennas" (telecommunications service provider equipment).

b. On February 8, 1996, the President approved the Telecommunications Act of 1996, which included a provision for making Federal property available for placement of telecommunications equipment by duly authorized providers.

c. On March 29, 1996, GSA published a Notice in the Federal Register outlining the guiding principles and actions necessary for Federal agencies to implement the antenna siting program promulgated by the Presidential memorandum and the Telecommunications Act of 1996.

d. In response to inquiries from the wireless telecommunications industry regarding the Federal Government's progress in this program, GSA's Office of Governmentwide Policy (OGP) held three Antenna Siting Forums: March 5, 1997, for Federal agencies; March 19, 1997, for the wireless telecommunications industry; and a joint forum on April 15, 1997.

e. A fact-finding working group comprised of industry and Federal agency representatives was established and met to discuss the issues raised during the initial two forums. These issues are:

(1) Development of a uniform evaluation process, including timely response and an appeals process, to facilitate and explain the basic application process;

(2) Site pricing to enable Federal agencies to retain flexibility in establishing the antenna rates;

(3) Site competition to provide timely response to requests and, where feasible, encourage industry collocation;

(4) Fee reimbursement to provide payment to the Federal Government for services and resources provided as part of the siting request review process;

(5) Site security, access, and rights-of-way to identify roles and responsibilities of both the Federal Government and the wireless telecommunications service provider; and

(6) Site request denial tracking to enable GSA and the wireless telecommunications industry to track antenna requests and denials.

f. GSA subsequently identified environmental and historic resource implications as issues to be considered by the working group and these issues are addressed in this document.

g. This collaborative effort, along with further meetings and discussions, has resulted in a better understanding of processes and procedures between the wireless telecommunications industry and the Federal agencies.

h. The development of the following enhanced guidelines and procedures will further efforts for a more cooperative partnership between the Federal Government and the wireless telecommunications industry and continue to facilitate the implementation of the requirements of section 704(c) of the Telecommunications Act of 1996.

4. Action. The following guidelines and procedures should be

followed by all Executive departments and agencies. In addition, all independent regulatory commissions and agencies are also requested to comply with the following:

a. Determining impact to controlled property. Each Executive department and agency which controls and operates real property, rights-of-way or easements to property under specific statutory authority is responsible individually for determining the extent and programmatic impact of placing commercially owned antennas on their properties.

b. Review of internal agency rules. Each Executive department and agency should review their rules, policies and procedures for allowing commercial use of their properties and modify them as necessary to assure they fully support the siting of commercial telecommunications service antennas as provided in these procedures.

c. Dissemination of antenna guidelines. Each Executive department and agency should ensure that the appropriate officials within their national, regional, and local offices who are responsible for the siting of commercial telecommunications service antennas comply with the requirements and policies prescribed by the Telecommunications Act of 1996, concerning property, rights-of-way and easements under their agency's control, and comply with the President's memorandum on facilitating access to Federal property.

d. Preliminary response to siting request. Each Executive department and agency should provide at least a preliminary written response to any antenna siting request no later than 60 days after receipt of the request. This response should be sent after performing an initial evaluation of the request.

e. Open communications. Each Executive department and agency should maintain open communications with the requesting wireless telecommunications provider. Communication is critical once a siting request has been submitted and should be maintained throughout the term of the working relationship.

f. Points of contact. Each Executive department and agency should, upon request, provide firms and individuals the owner agency's point of contact for placing commercial telecommunications service antennas on Federal properties. Generally, Federal buildings and courthouses are controlled by the General Services Administration; military posts and bases, by the Department of Defense; Veterans hospitals and clinics, by the Department of Veterans Affairs; and open land areas including National Parks, National Forests and other public lands by the Department of the Interior or the Department of Agriculture.

g. Headquarters points of contact. Attachment A is a listing of the agency contact points in the headquarters of Federal real property holding departments and agencies. Anyone interested in placing antennas on specific Federally-owned properties should contact the appropriate agency official.

h. Information required. Telecommunications services providers should specifically identify the Federal property and provide the basic information described in Attachment B (Uniform Review Process) . Federal agencies should advise the applicants of

any specific application procedures, and provide the name of the local site/facility manager to coordinate determination of site suitability as well as the term and instrument (e. g., lease, permit, license) required to complete the siting project.

i. Assistance in determining property ownership. In instances where the identity of the department or agency which has the custody and control of the property is unknown, the GSA/OGP Office of Real Property should be contacted. This office maintains a listing of all properties owned by the Federal Government world-wide and will assist in the identification of these properties. This office may be reached at (202) 5010176, or by writing to the Office of Real Property (MP), Room 6233, General Services Administration, 1800 F Street, NW, Washington, DC 20405. To assist in identifying the appropriate Federal department or agency, inquiries should include the state, city/county, building/property name and mailing address of the property in question.

5. Applicability. These guidelines are applicable to Executive departments and agencies for antenna siting requests for rooftops, open land or other requests for access under this program. These guidelines are not intended to apply to lands held by the United States in trust for individual or Native American tribal governments. In order to facilitate compliance with the Telecommunications Act of 1996, the following principles should be used in evaluating requests for antenna siting access:

a. Property availability. Upon request, and to the extent permitted by law and to the extent practicable, Executive departments and agencies may make available Federal Government buildings and lands for the siting of telecommunications service antennas. This should be done in accordance with Federal, State and local laws and regulations, and consistent with national security concerns. Care should be exercised to avoid electromagnetic intermodulations and interferences. The evaluation of the siting request will include consideration of environmental and historic preservation issues including, but not limited to:

- (1) Public health and safety with respect to the antenna installation and maintenance;
- (2) Aesthetics;
- (3) Effects on historic districts, sites, buildings, monuments, structures, or other objects pursuant to the National Historic Preservation Act and implementing regulations;
- (4) Protection of natural and cultural resources (e.g., National Parks and Wilderness areas, National Wildlife Refuge systems);
- (5) Compliance with the appropriate level of review and documentation as necessary under the National Environmental Policy Act and implementing regulations of each Federal department and agency responsible for the antenna siting project, and the Federal Aviation Administration, the National Telecommunications and Information Administration, and other relevant departments and agencies; and
- (6) Compliance with the Federal Communications Commission's (FCC) guidelines for radiofrequency exposure (ET Docket No. 93-62

titled "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation", issued August 1, 1996, and any other order on reconsideration relating to radio frequency guidelines and their enforcement) . These are updated guidelines for meeting health concerns that reflect the latest scientific knowledge in this area, and are supported by Federal health and safety agencies such as the Environmental Protection Agency and the Food and Drug Administration.

b. Site evaluation. The evaluation of any siting request will also be subject to any requirements of the Federal agency managing the facility, FCC, Federal Aviation Administration, National Telecommunications and Information Administration, and other relevant departments and agencies. In addition, the National Capital Planning Commission should be consulted for siting requests within the Washington, D.C. metropolitan area.

c. Granting siting requests. Requests for the use of property, rights-of-way, and easements by duly authorized telecommunications service providers should be granted unless there are unavoidable conflicts with the department's or agency's mission, or current or planned use of the property or access to that property. A denial of a siting request based on these criteria should be fully explained in writing as noted in d. below.

d. Agency discretion for site denial. Executive departments and agencies shall retain discretion to reject inappropriate siting requests and assure adequate protection of public property. In cases where the antenna siting request has been denied, Executive departments and agencies should allow the service provider to appeal the decision to a higher level of agency authority for review. Written denial of a siting request should be fully explained, and should advise the service provider of the name and mailing address of the appropriate agency official to whom the appeal should be sent.

e. Site access. All procedures and mechanisms adopted by Executive departments and agencies regarding access to Federal property should be clear and simple so as to facilitate the efficient build-out of the national wireless communications infrastructure. Obtaining rights of access to Federal properties through non-Federal lands is the responsibility of the telecommunications service provider.

f. Costs for services. The telecommunications service provider is responsible for any reasonable costs to Federal agencies associated with providing access to antenna sites, including obtaining appropriate clearance of provider personnel for access to buildings or land deemed to be security sensitive as is done with service contractor personnel. OMB Circular A-25, titled ``User Charges'', revised July 8, 1993, established guidelines for agencies to assess fees for Government services and for the sale or use of Government property or resources.

g. Site fees. Pursuant to the Telecommunications Act of 1996, agencies are authorized to charge reasonable fees for antenna sites on Federal property. In accordance with the President's memorandum, Executive departments and agencies should charge fees based on market value. Fee determination can be based on

appraisal, use of set rate schedules, or other reasonable means of value determination.

h. Site requests. Executive departments and agencies will make antenna sites available on a fair, reasonable, and nondiscriminatory basis. Collocation of antennas should be encouraged where there are multiple antenna siting requests for the same location. In cases where this is not feasible and space availability precludes accommodating all antenna siting applicants, competitive procedures may be used.

i. Priority for siting antennas. The siting of telecommunications service provider antennas should not be given priority over other authorized uses of Federal buildings or land.

j. Advertising prohibition. Antenna structures on Federal property may not contain any advertising.

k. Equipment removal. Terms and provisions of the lease, permit, license, or other legal instrument used should assure the timely removal or transfer of ownership of equipment and structures by the service provider. Unless otherwise expressly provided for, removal of such equipment and structures should be at the sole expense of the telecommunications service providers.

l. Review process. In order to provide further guidance to those Federal agencies which are unfamiliar with the siting request application process, Attachment B, Uniform Review Process, provides additional processing information to assist in the antenna siting request review.

m. One-time reporting. In order for GSA to ascertain the effectiveness and efficiency of these enhanced implementing guidelines and the uniform review process, all Executive departments and agencies receiving antenna siting requests within 6 months of publication of this document should provide GSA with a one-time summary report to indicate the number of siting requests received, approved, completed and denied during that time period. For those requests which are not approved, a narrative statement or copy of the formal written denial is requested to support your decision. This summary information should be received no later than 30 days after the end of the 6-month reporting period.

n. Reporting office. Reports should be sent to the GSA, OGP, Office of Real Property Policy (MP), 1800 F Street, NW, Room 6223, Washington, DC 20405.

o. Information. Further information regarding this bulletin may be obtained by contacting, Mr. Stanley C. Langfeld, Director, Real Property Policy on (202) 501-1737.

Dated: June 11, 1997.

G. Martin Wagner,

Associate Administrator for Governmentwide Policy.

Attachment A--Agency Contact Points for the Placement of Antennas on Federal Buildings

Atch 1-6

Bonneville Power Administration, Office of General Counsel, 905
Northeast 11th Avenue, Portland, OR 97232, (503) 230-5904
Federal Communications Commission, Operations Management and
Service Division (1110B), 1919 M St., Nw, Room 404, Washington,
DC 50554, (202)418-1950

National Academy of Science, National Research Council, 2101
Constitution Ave., NW, Mail Stop (HA-274), Washington, DC 20418,
(202) 334-3384

National Aeronautics & Space Administration, Facilities
Engineering Division, NASA Headquarters, Code Jx, 300 E Street,
SW, Washington, DC 20546-0001, (202) 358-1090

National Archives & Records Administration (NAFM), 8601 Adelphi
Road, Room 2320, College Park, MD 20740-6001, (301)713-6470

National Science Foundation, Property Administrator, 4201 Wilson
Blvd., Room 295, Arlington, VA 22230, (703) 306-1123

Tennessee Valley Authority, Facilities Services--Asset
Management, 1101 Market Street, Mail Stop: (WR4A-C), Chattanooga,
TN 37402-2801, (423) 751-2127

U.S. Army Corps of Engineers, Management and Disposal Division in
the Real Estate Directorate, 20 Massachusetts Ave., NW, Room
4224, Washington, DC 20314-1000, (202) 761-0511

U.S. Department of Agriculture, Property Management Division, AG
Box 9840, Washington, DC 20250, (202) 720-5225

U.S. Department of Commerce, Office of Real Estate, 14th &
Constitution Ave., NW, Room 1040, Washington, DC 20230, (202)
482-3580

U.S. Department of Defense: Commercial companies who wish to
place antennas on DOD property should first contact that
property's Installation Commander. If unknown, please contact the
following office. Deputy Assistant Secretary of Defense
(Installations), Attention: Director, Installations Management,
3300 Defense Pentagon, Washington, DC 20301-3340, (703) 604-4616

U.S. Department of Education, Office of the Director for
Management, 600 Independence Ave., SW, Room 2164, Washington, DC
20202, (202) 401-0470

U.S. Department of Energy, Engineering & Space Management Branch,
1000 Independence Ave., SW, Mail Stop: HR211, Room 1F-039,
Washington, DC 20585, (202) 586-1557

U.S. Department of Health & Human Services, Division of Policy
Coordination, 300 Independence Ave., SW, Room 421, Washington, DC
20201, (202) 619-2018

U.S. Department of Interior, Bureau of Land Management, 1849 C Street, NW, Room 1000-LS, Washington, DC 20240-9998, (202) 452-7777

U.S. Department of Interior, National Park Service, Radio Frequency Manager, Field Operations, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, CO 80225-0287, (303) 969-2084

U.S. Department of Justice, Real Property Management Services, Suite 1060, National Place Building, Washington, DC 20530, (202) 616-2266

U.S. Department of Labor, Office of Facility Management, 200 Constitution Ave., NW, Room S 1521/OFM, Washington, DC 20210, (202) 219-6434

U.S. Department of State, Office of Real Property, 2201 C Street, NW, Room 1878, Washington, DC 20520, (202) 647-2810

U.S. Department of Transportation, Office of the Secretary, 400 7th Street, SW, Mail Stop: M72, Room 2318, Washington, DC 20590, (202) 366-9724

U.S. Department of Treasury, Office of Real and Personal Property Management, Office of the Deputy Assistant Secretary for Departmental Finance and Management, 1500 Pennsylvania Ave., NW, Room 6140--ANX, Washington, DC 20220, (202) 622-0500

U.S. Department of Veterans Affairs, Land Management Service, 811 Vermont Ave., NW, Mail Stop: 184A, Washington, DC 20005, (202) 565-5026

U.S. Environmental Protection Agency, Architecture, Engineering and Real Estate Branch, Facilities Management and Services Division, 401 M Street, SW, Room 3204, Washington, DC 20460, (202) 260-2160

U.S. General Services Administration: Commercial companies who wish to place antennas on GSA property should first contact the appropriate Regional Office of the Public Buildings Service. If unknown, please contact the Public Buildings Service, 1800 F St., NW, Washington, DC 20405, (202) 501-1100

U.S. Government Printing Office, Office of Administrative Support, 710 North Capitol St., NW, Mail Stop: OA, Washington, DC 20401-0501, (202) 512-1074

U.S. Information Agency, Office of Administration--B/A, Cohen Building, 330 Independence Ave., SW, Washington, DC 20547, (202) 619-3988

U.S. Postal Service, Realty Asset Management, 475 L'Enfant Plaza West, SW, Washington, DC 20260-6433, (202) 268-5765

Atch 1-8

Attachment B--Uniform Review Process

The following information may be used as a guide by Federal agencies upon receipt of an antenna siting request. This uniform review process is intended to assist those Federal agencies who are unfamiliar with the review and evaluation of antenna siting proposals. This guidance has been developed based on input from several Federal agencies who have had extensive experience in working with the wireless communications industry and antenna siting requests for both rooftop and open land installations.

a. Siting request review. Federal agencies should review the siting request and ensure that sufficient basic evaluation information is provided. This basic information should include the following:

(1) Name, address and telephone number of applicant and authorized or legal representative for the project;

(2) Specific building name and address, or as appropriate, latitude and longitude or other site specific property identifier;

(3) Type and size of antenna installation and support required for the service provider's proposed wireless site including access to site, utility requirements, acreage of land or ft/lb capacity for rooftops, etc.). In cases where the proposed site is to be located on an established building or wireless facility, any special modification requirements unique to the service provider's proposal must be clearly identified;

(4) FCC license number (if a licensed facility), summary of antenna specifications including frequencies;

(5) Proposed term of requirement;

(6) Terms of removal of equipment and structures or property restoration;

(V) Description of project or larger antenna installation program, if applicable; and

(8) As appropriate, proposed method of achieving environmental and historic sensitivity compliance.

b. Site survey. (1) Upon agency completion of an initial review for information sufficiency, coordination with the facility manager, and determination that there is no obvious reason to deny the request, a site survey with the wireless telecommunications provider should be scheduled, in part to determine whether the site actually meets the needs of the service provider. If feasible, from the information available, a response should be sent to the applicant as soon as possible, but no later than 60 days after receipt either granting or denying the siting request.

(2) If there is insufficient information to make a decision, the agency should send a preliminary response to the applicant as soon as possible, but no later than 60 days after receipt of the request. This response should inform the applicant of the need for any additional information, unique conditions or restrictions of the property, or other circumstances which may affect the timing or ultimate determination for site approval. In addition, the National Capital Planning Commission should be consulted for

siting requests within the Washington, D.C. metropolitan area.

C. Point of contact. In all cases, the agency's response should include the name and telephone number of the agency representative or facility manager responsible for the project. This information will enable the applicant to initiate planning for the potential use of the requested site.

d. Need for additional information. If the preliminary response indicates additional information is required, the agency should review the applicant's response in a timely manner upon its receipt. The applicant should be advised in writing if there are any other review and reporting requirements necessary due to statutory, legal, or the agency's internal requirements prior to issuing a final decision. This may include an Environmental Assessment or an Environmental Impact Statement and public hearings as part of the National Environmental Policy Act, or any other potential reviews.

e. Notification of fees. Applicants should be advised as soon as possible of their responsibility for any charges for Government services provided in the review process or other issues which need to be resolved. This response should provide the applicant with an estimated time frame for completing the necessary actions and should be based on experience in dealing with projects of similar complexity.

f. Final decisions. Final decisions should be rendered in writing in a timely manner and after completion of all required reviews, evaluations or assessments. Denials of requests should provide the applicant with a written explanation of the reasons for denying the request. In addition, the applicant should be advised of the agency's appeal procedure and the name and mailing address of the appropriate agency official to whom the appeal should be sent.

g. Formal documentation. After agency determination to approve the project, a lease, permit, license or other legal instrument should be executed to document the terms, conditions, and responsibilities of both the Federal Government and the telecommunications service antenna provider.

[FR Doc. 9V-15724 Filed 6-13-9V; 8:45 am]
BILLING CODE 6820-34-P