

Ohio Township Association Legislative Alert



January 24, 2018

To print this alert as a PDF, [please click here](#).

Small Cell Bill Introduced in the House

HB 478 WIRELESS SERVICES (Smith, LaTourette) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way.

Yesterday (Jan. 23), [House Bill 478](#) was introduced, addressing municipalities and their authority in their rights of way concerning the deployment of small cell technology equipment. The primary sponsors are Reps. Ryan Smith and Sarah LaTourette. The bill was referred to the [House Government Oversight & Accountability Committee](#) chaired by Rep. Louis Blessing.

The bill does not address the use of county or township rights of way nor the use of utility-owned poles for small cell deployment. Representatives of the OTA and the Ohio Municipal League discussed this bill prior to its introduction.

A complete description of [HB 478](#) is beyond the scope of this update, here is a short synopsis:

- revises the application process to place equipment in a municipal right of way for small cell purposes
- places time limits for municipalities to consider these applications (extensions of time are granted for periods of high volume application requests)
- allows municipalities to regulate deployment in historic areas for aesthetic purposes, etc.
- permits municipalities to charge one-time fees for applications (up to \$250) or for co-locating small cell equipment on existing municipal-owned wireless structures (up to \$200)
- permits municipalities to require bonding or escrow accounts for this work and can be indemnified by the owner-operators for negligence that causes legal damages

As we explained in the July-August edition of the Ohio Township News, the Attorney General addressed these issues concerning township roadways in [opinion 2017-12](#). That opinion notes that [R.C. §5571.16](#) applies to the potential installation of small cell equipment in township rights-of-way. [Revised Code §5571.16](#) grants townships permitting authority over the installation, etc. of small cell equipment, allows for fees to be charged, allows indemnity from owner/operators to be required, and allows townships to require the posting of bonds or deposits to ensure the competent performance of the work.

The OTA will continue to closely monitor the progress of [HB 478](#). Should any amendments be drafted or offered relative to townships and counties, we will thoroughly review them to ensure townships maintain any current authority they have pursuant to [R.C. §5571.16](#).