LICENSING PROCESS

LICENSING PROCESS

BASIC LICENSING REQUIREMENTS

It is the Carrier's responsibility to certify that all installations or construction meets or exceeds any applicable design criteria.

All improvements constructed on Caltrans property are considered to be the property of the State after the term of the license has expired, or upon abandonment, unless specifically stated in documentation as being otherwise. Caltrans reserves the right to require the primary Carrier to remove all improvements at the expiration of the lease.

Independent access from the highway is required for all licenses.

Carrier is responsible for the clean up of hazardous materials introduced to the site during the term of the Site License Agreement (SLA). Caltrans is responsible for the clean up of pre-existing conditions, but may elect not to do so because of funding constraints, and as such the site will not be licensed.

Road rights on property other than State owned lands are not guaranteed. The Carrier must acquire their own easement rights where needed.

The Master License Agreement (MLA) and/or SLA is executed by the Program Manager of the Right of Way Program (or designated representative) and requires the pre-approval of the Federal Highway Administration (FHWA). District Airspace Managers (Airspace) are delegated the responsibility to execute SLAs; however, all "special clauses" must be pre-approved by the Office of Airspace Development (HQ A/S).

No project shall proceed to construction without the written approval of the FHWA, Office of Radio Communications Engineers (Telecom Engr) and the District Airspace Review Committee (DARC). Airspace will transmit such approval to the Carrier.

For all properties within access control, an Encroachment Permit will be required prior to construction and an annual maintenance permit will be maintained in order to conduct any repairs or make modifications to any equipment within the access control.

Telecom Engr and the Department of General Services (DGS) Telecommunications Division establish standards to ensure the integrity of all communications facilities and minimize interference with State agency communications. In addition to technical specifications, these standards may restrict the number of facilities allowed within range of state systems or other licensed facilities. A proposal can be refused based on the number of telecommunications facilities existing at the location.

On an annual basis, every carrier who has executed the MLA will provide proof of liability insurance coverage and submit for review a financial statement in accordance with the provisions of the MLA.

PROPOSAL REVIEW

All requests to license property held by Caltrans, whether in response to the District's marketing of a site or the Carrier's transmission study, must be submitted in writing to the District Airspace Manager (Airspace).

The review and approval of all requests is conducted in three stages: conceptual, preliminary and final.

Conceptual: Determination of the proposal's compatibility with existing uses, and a review of the proposed installation, operation and maintenance's impact on safety and internal issues. Requires a simple narrative by the Carrier describing the proposed use and location, depicted on a simple diagram and map.

Preliminary: In-depth review of the proposal considering access, security, construction, maintenance, installation, interference, safety and other issues raised during the conceptual review. Requires preliminary blue prints depicting size and height of the facility, square footage of the area to be "licensed", square footage of the area to be used during construction, and specifics on access, fencing, and utility hookups.

Final: In-depth review and approval of the proposed construction, along with verification of all reviews and required approvals of governing entities. Requires final construction plants (depicting all excavations and trenching), approved use and building permit by the local entity, approved environmental document, and resolution of all issues raised during preliminary review.

See Exhibits 1 - 4 for flowcharts depicting the above process.

DISTRICT AIRSPACE REVIEW COMMITTEE (DARC)

The DARC reviews all proposals and shall:

1. Properly evaluate the proposal.
2. Determine if the granting of rights will impact:
    - Caltrans' ability to fulfill its mission responsibilities.
    - The integrity of the communications facility.
3. Determine Caltrans' future needs for the property (e.g. future road project, consolidation of maintenance facilities, telecommunications systems that might interfere).
4. Determine if there are internal needs that can be satisfied by the approval of the proposal, i.e. sharing of telecommunications facilities.

Any modifications to existing systems or property that exceed required upgrades or additional services and improvements to the transportation system must be pre-approved by the Airspace Advisory Committee (AAC).

The DARC is comprised of District representatives from programs impacted by the proposed facility. The "Core" team will always consist of program representatives from Traffic Operations, Maintenance Operations, Environmental, and the Telecom Engr. The lead for the DARC is the District Right of Way Airspace Manager who is responsible for ensuring all proposals receive the appropriate level of review prior to entering into a SLA. If the proposed facility is within access control, in addition to the Core Team, the DARC will include a representative from Facilities (Administration). If the proposed facility is within access control, in addition to the Core Team, the DARC will include Landscape Architect, Project Development, and Hydraulics, as well as the "operator" of the property/facility e.g., Park and Ride, Roadside Rests, Structures, Maintenance Station Superintendent, or Bridge Engineers.

Airspace may request representatives from any other program impacted by the proposal. Additionally, District Asset Management will be advised of all conceptual and preliminary reviews.

It is strongly recommended that each program select one permanent representative to serve on the DARC meetings to ensure consistency in application of the siting guidelines and review process.

The DARC will review all requests for additional equipment, any colocation and all extensions to the ten-year SLA term. The review will ensure the requests or extensions are compatible with Caltrans intended use at the site and do not interfere with the safety or operations of the public and of Caltrans.

The DARC representatives should be at the highest level in order to make a final decision. It is recommended that each member has the full support from upper management to determine the feasibility of the proposal. The DARC can and should restrict the height, exact location, access, and security to protect Caltrans interest and assets. In the formal response to the Carrier, the DARC's determination should clearly identify the issues and the reasons, and allow the Carrier to mitigate.

LICENSING AGREEMENTS

Documents are used to grant the Carrier the right to construct, install, operate and maintain their personal property on Caltrans-owned real estate. As such, the Carrier has no real property rights and cannot encumber the property in order to obtain a loan to construct.

Master License Agreement (MLA): The primary licensing document, with standard terms and conditions that are not site specific (i.e. insurance, liability, hazardous materials), that apply to all Carriers prior to entering into a Site License Agreement (SLA). (See Exhibit 9 for a summary of the major terms and conditions.)

Site License Agreement (SLA): A secondary document for a site approved by the DARC at the agreement phase. It identifies the specific terms and conditions for the proposed Facility; i.e., base license fee, specific type of facility, terms and options, access, contact information, hazardous materials, description of the facility, square footage of the site, maintenance, and includes restrictions regarding the use of sites on or near Caltrans structures (e.g. columns, signs, buildings). Attachments include the final plans, legal description and plot plan/map showing where the facility is located on the premises. If Caltrans will jointly use the facility, the identification of Caltrans equipment must be shown on the final plans, along with an agreement on its installation. The SLA will clearly identify any controls and permits required by Traffic Operations for construction or maintenance of the Facility within access control. (See Exhibit 5.)

Additional clauses are required for sites under or near Caltrans structures; e.g., for column protection, use of soundwalls, restrictions on P&R or SRRAs, entry control in or on office buildings. (See Exhibit 10.)

Option Agreement: There is no Option Agreement associated with the license of a site. Instead, each Carrier is entitled to a six-month "local permitting period" that grants time to obtain all necessary reviews, approvals and all permits. A total of four three-month extensions (12 months) can be granted under extenuating circumstances if the Carrier has diligently pursued approval but the delay is beyond their control. Full payment is required for all extensions, unless Caltrans did not respond to a preliminary or final proposal within the 45-day review period.

Though the Carrier is required to pay full rent beyond the six month local permitting period, extensions allow them to cancel the SLA at any time prior to the issuance of an encroachment permit without being subject to all the termination and cancellation penalties in the MLA.

RATES and FEES

Annual Base License Fee: Annual payment for the site using the pricing matrix in the MLA, to establish a rate based on geographical location and type of equipment (number of antennas and square footage of enclosed area). Annual payment is paid in advance at the time the Encroachment Permit to construct is issued; and thereafter every July 1st. The License Fee is adjusted 3.5%+, every July 1st. (See Exhibit 6.)

If competitive bidding is required to select one of the many interested Carriers, the license fee will be the highest bid, using the pricing matrix as the minimum bid.

Administration Fee*:* A processing fee, currently $1,000.00, is paid when the proposal has been conceptually approved and the Carrier submits a preliminary proposal to the District for review and approval. The fee covers staff costs associated with the review and approval of the preliminary and final documents, and includes a six-month permitting period.

Payment*:* All fees (permit, administration, license, colocation) must be paid in advance to the Caltrans accounting office identified in the SLA, the billing statement or other appropriate notification. Non-payment of the license fee requires a penalty of 1% for each month (12% per annum) the account is delinquent. The extension of the SLA can be held up if the Carrier is in arrears.

Security Deposit*:* There is no security deposit as the MLA requires advance annual payments.

Permit Fees: See "Permit" Section.

LENGTH OF LICENSE

Terms/Length of agreement: The term of the MLA is five years and will be reviewed, and revised accordingly, before July 2002. Recommendations to continue with the MLA will require Airspace Advisory Committee (AAC) and California Transportation Commission (CTC) approval. The terms and conditions of the SLAs executed during the first five years will remain unchanged during the life of the SLA.

The SLAs are for ten years with three additional periods (options) of five years each. The SLA term can be modified to match specific Carrier or Caltrans needs since a future project may require Caltrans to license the site for only three years. At the end of each term, the SLA can be extended for an additional term; however, the Carrier must provide advance notice if it intends to extend. Airspace must coordinate a review by the DARC to ensure there are no immediate needs or potential interference by continuing to license the site.

Cancellation: Either the Carrier or Caltrans can cancel the MLA and/or SLA at any time subject to the terms of the MLA. Caltrans can require the Carrier to remove or relocate the Carrier's equipment at the termination or cancellation of the SLA. The Carrier may be compensated for early termination of the SLA during the first ten-year period based on the amount of unamortized improvements.

PRICING MATRIX

The base license fee is determined by the greater of the number of antennas; or the square footage of the enclosed area. The pricing matrix established in the MLA will be used for all carriers proposing a site on Caltrans' property and is summarized below:

TYPE OF EQUIPMENT:

Macrocell: Facility with 9 or more antennas and/or fenced area containing equipment building or cabinet, foundation, and monopole/tower is 500 square feet (not to exceed 16 antennas and 2,000 square feet)

Minicell: Facility with 5 to 8 antennas and/or fenced area containing equipment building or cabinet, foundation, and monopole/tower is 150 to 499 square feet

Microcell: Facility with 1 to 4 antennas and/or fenced area containing equipment building or cabinet, foundation, and monopole/tower is less than 150 square feet

GEOGRAPHICAL LOCATION – as established on the Caltrans "California State Highway Map":

Category 1: All urbanized areas on the "map" within the Northern California counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara, and within the Southern California counties of Los Angeles, Orange and San Diego.

Category 2: All other urbanized areas on the "map" (e.g. Sacramento and Fresno).

Category 3: Remaining areas on the "map" (shown in white).

The geographical area and the type of facility establishes the following Annual Base License Fee schedule:

	Macrocell	Minicell	Microcell
Category 1	$21,000 ($1750/m)	$18,000 ($1500/m)	$15,000 ($1250/m)
Category 2	$16,200 ($1350/m)	$15,000 ($1250/m)	$12,000 ($1000/m)
Category 3	$12,000 ($1000/m)	$12,000 ($1000/m)	$ 9,900 ($ 825/m)

Annual payments are due on July 1st of each year, with pro-rated payments for sites licensed in mid fiscal year (e.g. April 15th 1997 would pay 30% of the annual payment and then a full year's rent on July 1st)

The annual Base License Fee will be adjusted annually by 3.5% each July 1st and in the following situations:

1. Adjustments in the rate, increase or decrease, whenever equipment area or the number of antennas changes (e.g. carrier removes one antenna from a total of five, changing the site from a minicell to a microcell).

2. Increases to the rate at the end of each term (10, 15, 20, 25 years) based on increases in population as depicted on the revised maps (e.g. rural areas re-categorized as urbanized areas).

3. Reevaluation or reappraisal of fair market rent based on market data at the 15th year term of each SLA.

Should the proposal require only part of the Facility be located on Caltrans property (e.g. the vault is located outside the right of way on private property), the license fee will be based on the number of antennas (whether mounted on the Carriers structure or Caltrans structure) on Caltrans property.

Collocatees will be charged a license fee based on the pricing matrix and/or a percentage as described under "Colocation" and as required in the MLA.

Any Carrier requesting a facility with more than 16 antennas or a fenced area exceeding 2,500 square feet must pay a higher rate than the pricing matrix dictates. For proposals located in the Rural or Urban area, the fee for a larger site will be the next category up, for example:

> A 17 antenna and/or 2,600 square foot facility in a rural area would be treated as a Macrocell, Category 2 (not Category 1). If the same site were in an Urban area, it would be treated as a Macrocell, Category 3 (not Category 2). Headquarters will determine the rate for any proposals larger than a Macrocell in a Prime Urban area after receiving a district recommendation. The proposal will be reviewed to determine if the Carrier is in need of all the space and antennas for their facility or whether they are adding the extra space and antennas for a potential collocatee.

COLOCATION

The MLA is non-exclusive and requires colocation with all other interested Carriers if it is physically possible, without interfering with the Carrier's current use. This includes requests by Caltrans to share facilities at a later date. All requests for colocation must follow the standard review/approval process.

Each collocatee will be required to have a separate SLA subject to the MLA, and the term must run coterminous (all expiring on the same date). There are two types of colocation per the MLA, Sub-User and Direct-User. A Sub-User collocatee is a carrier that uses the licensee's antenna mount and equipment area to mount their antennas and house their equipment. A Direct-User collocatee is a carrier that only uses the licensee's antenna mount and has their own equipment area. The base license fee for a Sub-User is 50% of the licensee's annual payment, or 50% of the payment the collocatee pays the Carrier, whichever is higher. The base license fee for a Direct-User is the full rent based on the number of antennas and/or square footage of the enclosed equipment area, whichever is higher.

The administration fee for colocations on an existing facility is currently $1,000.00 and the review/approval can not be unreasonably withheld. However, if the colocation is submitted as one proposal with the primary facility, only one administration fee for the entire review will be required. See Exhibit 11 for a description of different colocation scenarios and license fees.

CALTRANS RADIO NEEDS:

The MLA specifies what Caltrans can receive in the way of "space" on the facility, in addition to the full base license fee, as follows:

1. Space to mount one 800 MHz omni-antenna approximately 44" long, 1.5" in diameter, with a weight not to exceed twenty pounds, to be mounted not less than 20' high, as designated by the Carrier.
2. Space for radio equipment in a 2' x 2' x 7' area within the shelter or on a concrete pad.
3. Conduit or cable tray for transmission from equipment area to antenna.
4. Cable access to phone and power lines.

Requests for additional trades or in-kind services are <u>not</u> allowed. Any additional space or construction required must be funded by the program and paid directly to the Carrier. As such, any work done by the Carrier for Caltrans in connection with the installation or repair of Caltrans' communications equipment must be paid directly by Traffic Operations or the appropriate program. The SLA must identify who will install Caltrans' equipment, and if the carrier installs it, the SLA must establish the cost, payment method, time schedule and installation standard. No rental offsets or credits are allowed.
In-kind services should not be confused with <u>necessary upgrades</u> or modifications required for the Facility such as fencing, replacement of plants, separate access approach, gate in access controlled fence, or grading of slopes. After the preliminary review, the DARC should identify and inform the Carrier of specific construction requirements (e.g. trenching depth and location, encapsulation of contaminants).

If the Telecom Engr determines Caltrans has no immediate or future needs at the site, the space reserved on the monopole or tower can be used for a different type of antenna, if the carrier is agreeable to a substitution. An example is an 880 MHz system for Traffic Operations that is similar in size and weighting and doesn't create an interference problem with the Carrier's frequencies. In addition to the space reserved in the MLA, the DARC can request space on the lower end of the monopole to place surveillance cameras. The Carrier will determine if the cameras would impact the loading capacity of the monopole. The District must have or will have the equipment at the site to transmit the data back to a receiving station.

PERMITS

Annual Survey Permit: It is the Carrier's responsibility to ensure the proposed facility is suitable for their needs, and as such, it may need to test the site for clear transmission prior to submitting a conceptual or preliminary proposal. The Carrier will be directed to the Permits to obtain an annual survey permit for $700.00 to be held on deposit, and charged against, for each site requiring an inspection. The permit inspector will verify that the testing in an access controlled area is being done in accordance with all safety and traffic guidelines. At the end of each year, the Permits will determine the number of sites it has inspected and charge a fee of $70.00 per hour for the inspection and refund or bill the Carrier for the difference.

For properties outside of access control, Airspace will coordinate all testing on sites by the Carrier. The maintenance superintendent will be responsible for ensuring the testing on a maintenance station does not interfere with internal operations. There is no charge for the inspection of testing outside of access control.

Encroachment Permit for Construction: After the Carrier obtains all approvals to construct the facility, the Encroachment Permit to construct can be issued by Permits. There is no charge for this permit as the cost is charged to the Airspace account. The permits inspector will ensure construction activities do not violate the provisions of the permit, and will inspect the facility after construction, issuing a Notice of Completion which cancels the Encroachment Permit. This inspection does not absolve the Carrier from conducting a building inspection in accordance with the provisions of the MLA.

In addition to standard restrictions for the construction permit, any permit issued for a maintenance station will require:

1. The Carrier provides the Maintenance Station Superintendent with the construction schedule at least three weeks prior to construction. This will be posted on the maintenance station crew room bulletin boards
2. All mobile equipment used to install the facility will be equipped with Cal-OSHA approved back-up warning alarms and flashers.
3. Orange colored traffic cones will be used to surround parked mobile vehicles and equipment during installation.
4. Hard hats and vests will be worn by all communications personnel during installation.
5. For the safety of Caltrans' maintenance personnel and the public, Caltrans' maintenance personnel shall have immediate emergency access to wireless facilities

Annual Maintenance Permit: If the facility is within access control, the Carrier will be required to obtain an annual permit to maintain and service their equipment that is accessed from the travel way. Authorized work includes replacing damaged equipment, upgrading or modifying existing equipment and maintaining access to the sites. The Carrier must obtain prior approval from the DARC and Permits before adding or modifying equipment to the site, or changing access locations.

See Appendix F and G for further information.

Soil Testing Permit: This permit is issued by the District Right of Way Office through a Right of Entry and is coordinated by Airspace. There is no fee for this permit.

PROCESS to LICENSE a SITE

Airspace is the lead on all activities related to the selection and approval of a site for a wireless telecommunications facility. The initial contact is usually from the Carrier or their representative who has

found a site that will be suitable for their network. The following information describes the steps in the licensing process for Airspace to get the site approved for construction.

When the Carrier contacts the district for information about licensing a site for a Facility, the district should provide the Carrier with a copy of this "Process and Guidelines", copies of all district inventories and maps, and the phone numbers of appropriate contacts (e.g. Permits Office – for permits to test, R/W Engineering – for copies of record maps, and Airspace Coordinators – for process to license).

If the Carrier is inquiring about general information, the "Process and Guidelines" should provide the background and steps necessary to get started in identifying a suitable site. District staff may need to provide additional clarification or discuss modifications to the process that apply to their district only (e.g. particular forms).

However, if the Carrier has selected one or more possible sites, the district should be prepared to initiate the conceptual review process by assisting the Carrier in obtaining the permit to test the site for radio frequency and/or meet the Carrier at the site(s) to discuss issues related to siting and restrictions.

Once the Carrier is ready to submit the Conceptual proposal, the district should review the information required to ensure the Carrier submits a complete package (See Exhibit 12). Minimum information required:

- Pole height, number of antennas, perimeter dimensions (fenced area).
- Type of facility (PCS, Cellular, other).
- Expected time schedule for building permits, construction, etc.
- Other collocatees (including existing facilities).
- Sketch or drawing of the area (site) needed on Caltrans facility (premise).
- Location map (general and specific area).
- Optional: Depiction of the equipment (photo rendition, sketch, etc.).

The DARC is responsible for understanding the siting guidelines and approving proposals based on the standards and policies established in each program. The DARC should meet on a regular basis to review and discuss proposals, siting issues and the review process itself.

The DARC has 15 working days to respond to a conceptual proposal. The proposal is reviewed to determine if it is compatible with existing use and if it is feasible considering all safety and interference issues. Airspace routes the proposal to the appropriate DARC members with a request to review and comment on compatibility and feasibility, listing all concerns that must be addressed by the Carrier. A formal meeting can be scheduled on complex or controversial projects, and to discuss issues that may be cross-functional.

Critical to the review is the Telecom Engr's comments on interference, need for intermodulation studies, additional technical specifications needed for preliminary review and/or identification of internal communication needs that can be satisfied by the sharing of the proposal facility with the Carrier.

After the review is complete, Airspace sends the Carrier a letter detailing the issues raised by the DARC during the review and stating whether the proposal is conceptually approved or not. If the proposal is approved, the letter should be accompanied by the "Proposal Checklist" so the Carrier can proceed to the next phase. If the proposal cannot be approved, the letter should clearly state why (e.g. pending project, siting conflict, or an interference issue). This will give the Carrier a chance to redesign or attempt to mitigate the issues. Additionally, a copy of all "denial" letters must be sent to the R/W Telecom to review with the responsible program as to the validity of the issue causing the denial. The approving letter should

request the Carrier to submit a preliminary proposal within the next 30 days. After 30 days, other interested Carrier's proposals will be accepted.

Depending on the DARC's decision, the Carrier may prepare a response to the "denial" in an attempt to mitigate safety or interference issues, locate other "suitable" sites, or submit a Preliminary proposal.

Upon receipt of a Preliminary proposal, District Airspace should verify the representative submitting the proposal is authorized to do so by the Carrier, and confirm the Carrier has executed the MLA and is in good standing as to insurance, financial status and other existing SLAs. The next step is to ensure no other Carriers have indicated an interest in the proposed site.

If there are other interested Carriers, all parties must be advised that a competitive bid is required to select the primary Carrier unless they locate other suitable sites or submit one proposal that provides for colocation with all interested parties. If the interested Carriers locate other suitable parties, they should submit separate preliminary proposals and processing fees. Airspace will conduct separate DARC reviews. If one proposal is submitted, identifying colocation with all interested Carriers, the primary Carrier should submit one preliminary proposal for the site, which requires only one DARC review and one proposal fee.

The Preliminary DARC should be a formal meeting to allow all affected programs to discuss the siting requirements, responsibilities, and use restrictions such as access, utilities, maintenance, permits, aesthetics, and Caltrans right to share space. The proposal must be reviewed in-depth to determine the full impact of the proposal and identify issues that need to be addressed by Carrier during construction, installation, operation and maintenance. The proposal must include all required upgrades/modifications to the site that are essential prior to the approval of the site (e.g. slope protection, paving the bare dirt). No rental offsets are allowed for required upgrades. The DARC or the Carrier may request a formal presentation by the Carrier.

Some suggestions for Airspace to conduct a preliminary DARC are:

- Ensure the appropriate programs are represented (not too many or too few).
- Set a time frame to review the proposal (i.e. keep blueprints in a common room for 1 week prior to the meeting).
- If programs do not comment within 20 working days, comments will not be accepted later.
- Any issues that must be resolved in Headquarters will require at least 15 working days to review and approve.
- Program representatives who have no objections or comments should indicate if they will need to review future plans (e.g. revisions, construction details).

Formal response is due to the Carrier within 45 days of receipt of the proposal, regardless of any presentations by the Carrier or oral responses made by Airspace. The response should approve the proposal as submitted or identifying other issues that need to be resolved. Failure to respond with status of review within 45 days penalizes the DARC and provides the Carrier with additional months to obtain all final approval without penalty or payment.

Response to the Carrier should indicate the proposal was reviewed and approved as submitted, or not approved and the reasons cited as to why.

Once the Preliminary proposal is approved, the SLA can be executed. The annual base license fee must be established per the MLA. Special clauses relating to access, maintenance, hazardous materials and Licensor's use must be pre-approved by HQ Telecom, prior to execution by the Carrier and District. Airspace should ensure through R/W Telecom that the Carrier has a current financial statement and insurance certificate on file prior to signing the SLA. Once the SLA is executed, the Carrier will have six months ("Local Permitting Period") to obtain all reviews/approvals required to begin construction.

Depositing the administration fee, and the base license fee, must be done in accordance with standard Accounting Procedures and the Right of Way Property Management System (RWPS) instructions.

During the Local Permitting Period, Carrier and Airspace are in constant communication while reviews and approvals are obtained to get final clearance for construction of the facility. Prior to the issuance of the encroachment permit to construct, the Carrier must obtain all final reviews and approvals that may include but are not limited to:

1. California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA), reviewed and approved by the local agency, Caltrans Environmental Branch, and FHWA.
    - For approval, Airspace must submit to HQ A/S the Categorical Exemption/Exclusion Determination that has been signed by the District Environmental Branch. HQ A/S will obtain approval by FHWA.
2. Local agency approval of the proposed use and issuance of a building permit.
    - Submitted by the Carrier to HQ A/S prior to applying for an Encroachment Permit to construct. Airspace will advise Permits that all final approvals have been offered and provide a copy of DARC's final approval.
3. Design and specifications as determined by Uniform Building Code and California Code of Regulations, Title 24, FCC regulations, FAA Standards, PUC standards, and any other requirements established by the Telecom Engr.
    - Airspace should obtain a letter from the Telecom Engr stating all issues have been resolved as to interference and needs.
4. Preliminary and final approval of the plans by the DARC, Telecom Engr and the FHWA.
    - For approval, Airspace must submit preliminary and final DARC comments, three sets of plans (miniaturized to 8.5" x 11"), photo renditions/sketches, and the narrative proposal by carrier.
5. Legal description of the site.
    - Access to the site <u>cannot</u> be identified as an "easement".

In addition to reviews and approvals by FHWA and the Telecom Engr, the proposal may require an Encroachment Permit by Exception if the proposal is not consistent with current siting guidelines but the DARC supports a waiver. The typical example is when access to the facility on Caltrans property is only available from the traveled way.

Prior to construction or installation of the Facility, the Carrier must obtain final approval before requesting the Encroachment Permit to construct. There is no fee for this permit. However, the annual base license fee through June 30th of the next year is required when the permit is issued.

During construction or installation, the permit inspector will inspect the operations to ensure that all safety and traffic requirements are being followed, and any violations of same will require cessation of all activities until the matter is resolved. Failure to comply with the Permit inspector's requests will result in a citation by the California Highway Patrol and a possible revocation of the SLA, including all future rights to license any site for a facility. When construction is complete, the permit inspector will issue a Notice of Completion, with copies to the Carrier and Airspace. The original is kept with the approved blue prints in the Permit Office for future reference by Maintenance and Project Development staff.

If the proposed facility is not within access control, an Encroachment Permit is not required but a letter authorizing construction from Airspace is needed prior to any work beginning on the premises. Airspace must coordinate with the operator of the facility prior to construction and may request inspection by the permit inspector, Project Development and/or Telecom Engr, as appropriate to ensure the construction is completed per all requirements and standards.

The local agency's building inspector is responsible for ensuring all local requirements are followed, as are other governmental entities, who might issue a Notice of Completion when all work is completed. Airspace should ensure all inspections and notices have been completed prior to allowing the Carrier to operate the facility.

ENVIRONMENTAL CLEARANCE

Licensing a site for a Facility is a discretionary action for Caltrans and requires compliance with the CEQA. If any federal approvals are involved, then the requirements of the NEPA must also be met. Procedures for environmental compliance are in Caltrans Environmental Manual. They are summarized below for convenience as applicable to site licensing.

When a local agency (city or county) is involved in the approval of the Facility, by issuing permits or other approvals, the local agency will be the Lead Agency under CEQA and Caltrans acts as a Responsible Agency. Caltrans will act as the CEQA Lead Agency when there is no local agency involvement or the local agency relinquished its approval authority over the project. Although Caltrans coordinates and reviews both CEQA and NEPA documentation, FHWA is responsible for NEPA compliance. FHWA requires that compliance with other federal environmental laws is incorporated into the NEPA documentation. Both CEQA and NEPA encourage the preparation of a single, joint environmental document to address the requirements of both CEQA and NEPA.

The District Environmental Planner is a core member of the DARC team, reviewing each proposal at the conceptual, preliminary and final phases. In addition, the Environmental Planner will review the environmental document for compliance and ensure all necessary permits from other agencies (e.g., the California Coastal Commission) are obtained by the applicant.

It is anticipated that all proposals for a Facility will fall under the Categorical Exemption/Categorical Exclusion (CE) criteria. However, any proposal that may cause significantly impacts the environment could require more evaluation in an Initial Study/Environmental Assessment (IS/EA). Depending on the results of the IS/EA, the proposal may result in a Negative Declaration (ND) /Finding of No Significant Impact (FONSI) or require a full Environment Impact Report (EIR) /Environmental Impact Statement (EIS). The types of documentation are:

<u>Categorical Exemption</u>: is an exemption from the requirement of the (CEQA) for a class of projects based on a finding by the Secretary of Resources that the class of projects does not have significant effect on the environment. Categorical Exemptions are listed in Article 19 of the Guidelines for implementation of the California Environmental Quality Act (14 CCR 15000).

<u>Categorical Exclusion</u>: a category of federal actions which do not individually or cumulatively have a significant effect on the environment and for which neither an Environmental Assessment or an Environmental Impact Statement is required. Classes of projects, which qualify are listed in 23 CFR Part 771.

<u>Initial Study</u>: a preliminary analysis to determine whether an EIR or a ND must be prepared or to identify the significant environmental impacts to be analyzed in an EIR.

<u>Environmental Assessment</u>: the NEPA equivalent of the Initial Study (IS).

<u>Negative Declaration</u>: is a written statement by the Lead Agency describing why a proposed project (that is not a CE) would not result in a significant effect on the environment.

The IS is attached to the ND as supporting documentation of the finding. A mitigated ND is prepared for a project that would have had a significant effect on the environment, but the effects were avoided or measures were incorporated into the project to reduce the effects below the level of significance.

Finding of No Significant Impact: the NEPA equivalent of the Negative Declaration signed by FHWA.

Environmental Impact Report (EIR): is a detailed analysis of the environmental effects of the proposed project and project alternatives and the mitigation measures to avoid or reduce significant environment effects. The contents of an EIR are specified in Section 21100 of the CEQA and may refer to either a draft or a final EIR. The lead agency can not approve a project that will result in significant environmental impacts unless it makes a finding of overriding considerations.

Environmental Impact Statement (EIS): is an environmental impact analysis prepared pursuant to NEPA that determines whether the project will result in significant environmental impacts. The types of environmental issues considered in the EIS are similar to those considered in an EIR.

When there is federal involvement, there are other federal laws that must be complied with, if there could be an impact to environmental resources. These other laws include the Clean Water Act and the permits that it requires (Section 404 permits, Section 401 permit), federal Endangered Species Act and the consultations with federal agencies that is requires, the National Historical Preservation Act which protects archaeological and historic site, Section 4 (f) of the United States Department of Transportation Act which rigorously protects wildlife refuges, recreational areas and historic sites, protection of wetlands, etc. FHWA requires compliance with any of these laws and the issues must be addressed in the NEPA document. Basically the breadth and scope of studies are similar to those required by CEQA; the "standard" may be different from CEQA.

Proposals on Caltrans' property that involves the following items may require additional documentation or cannot be classified as a Categorical Exemption:

- Historical structures (bridges, tunnels, buildings)
- Archaeological sites
- Watershed property or tidal waters
- Rare, threatened, or endangered species' habitat
- Excavations more than 24" that could affect
- Hazardous waste sites
- Designated Scenic Highways

Some proposals may be subject to various standing permits and variances such as the National Pollutant Discharge Elimination System (NPDES) Permit (District specific) from the Regional Water Quality Control Board and the Variance for reuse of lead contaminated soils from the Department of Toxic Substances Control. Environmental Engineering staff (also a DARC member) can address these issues.

The Environmental Office may track environmental Commitments in "Permits, Agreement and Mitigation" (PAM). The PAM system allows Caltrans to verify that necessary environmental commitments are being carried out through all of the phases of the project, from Environmental to Design to Construction to Maintenance and back to Environmental. The goal is to create and maintain a statewide Environmentally Sensitive Area (ESA) database.

The Environmental Planner will review proposals for impacts on historic buildings or structures (this could include negative visual impacts to nearby historic buildings, structures or districts); paving, excavation or disturbance of previously undisturbed ground (for effects on plants/animals, archaeological sites or changes to storm-water runoff); presence of hazardous waste and any potential the Facility may have for creating hazardous waste on the property. The Landscape Architect reviews the proposal for visual impacts.

During the DARC review the Environmental Planner will check whether the property has been determined or is eligible to be a historic property under the National Register of Historic Places or the California Register of Historic Places; and if so, the proposal must be reviewed by HQ Environmental Program

Cultural Studies Office. This requirement is in response to Public Resource Code 5024.5 and is in addition to CEQA requirements.

Typical questions asked during the DARC are:

1. Is another public agency involved in the approval of the Facility? If not, then Caltrans is the Lead Agency.
2. Will the proposed project involve disturbance or excavation of the ground? If so, the project may have a potential effect on an archaeological site, historic district and/or important biological habitat.
3. Is the site on a list of known locations of hazardous materials? If so, the environmental document will be either a ND or EIR.
4. Could the proposal affect drainage or water quality?
5. Is the site on, adjacent to, or visible from a designated Scenic Highway?
6. Is the Caltrans structure (building, bridge, tunnel, etc.) an historic site?

It is important to note that even though the Carrier has the document prepared and it is reviewed by the public agency, Caltrans must review and render an independent judgment on environmental impacts and appropriate mitigation.