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# Examples and Best Practices of Streamlining Permitting

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*Broadband Equity, Access, and Deployment Program*

February 2023



# Streamlining Permitting Case Studies

Many states have already implemented policies and regulations to streamline permitting, and these examples can be used to help other states develop efficient policies.

## BROADBAND READY COMMUNITIES EXAMPLES

Multiple states have implemented “Broadband Ready Communities” that provide incentives and assistance to local governments to help streamline permitting.



### **State of Indiana**

Created in 2015 as “a tool to encourage broadband deployment throughout Indiana” by focusing on reducing local regulatory and administrative barriers that may hinder broadband infrastructure deployment.



### **State of Tennessee**

Tennessee allows political subdivisions to apply for designation as a “broadband ready community” pursuant to the department’s guidelines. The political subdivision must have adopted an efficient and streamlined ordinance or policy for reviewing applications and issuing permits related to broadband projects.



### **State of Wisconsin**

The Public Service Commission of Wisconsin operates the “Broadband Forward!” program to certify that a local government has taken specific steps to reduce barriers for broadband investment.

## E - PERMITTING EXAMPLES

States are encouraged to implement web portals and tracking to streamline the permitting process in their state. Illinois’s Environmental Protection Agency is a prime example of constructively employing e-permitting.



### **Illinois Environmental Protection Agency**

Illinois developed a new web portal to accept state agency permit applications online, allow applicants to track pending applications, and consolidate information to make it more accessible for applicants. The state also created a “General Permit” application to address the inefficiency of forcing applicants to numerous different narrowly-drawn permit applications. These measures help the state ensure that applicants adhere to uniform standards for permitting applications.



### **City of Rancho Cordova, California**

The City of Rancho Cordova in California was struggling with outdated software and paper-based processes for permitting, all which were confusing to applicants. The city adopted a new enterprise permitting, planning, code management, and licensing solution that allows citizens to easily connect and engage online. The city also provides a user-friendly digital guide that helps citizens navigate the online permitting and licensing process.

# Case Studies: Right of Way (ROW)

## RIGHT OF WAY (ROW) REGULATION EXAMPLES

Several states have regulations in place to help facilitate Right of Way (ROW) access and the deployment of broadband where ROW is needed.



### Use of Public Rights of Way

Some states have made clear in statute the rights of telecommunications and public utilities to construct, maintain and operate their systems along public rights of way.

#### State of Virginia



**VA. Code Ann. § 56-458 (2002):** *Telecommunications companies have the right to build its system along public roads and railroads, on public lands, and along navigable waterways.*

#### State of Missouri



**Mo. Rev. Stat. § 67.1832 (2001):** *Municipalities shall permit telecommunication companies and other public utilities to construct, maintain and operate their systems on public rights-of-way.*



### Compensation

States may set guidelines for how local governments assess right of way fees to ensure some uniformity and reasonable costs across the state.

#### State of Arkansas



**Ark. Code Ann. § 14-200101(a)(1)(A) & (D) (2002):** *Local franchise fees not to exceed 4.25% of gross receipts from local service or higher amount agreed to by affected provider OR the voters. Affected utilities may recover fee costs by charging customers an amount equal to the right-of-way fee.*

#### State of Indiana



**Ind. Code § 8-1-2-101(b) (2002):** *Compensation may not exceed the municipality's direct and actual costs of managing the right-of-way for the public utility. These costs shall be assigned individually to the public utility creating the costs.*



### Timelines

Multiple states have already established timelines for approving or denying the ROW application, with some flexibility depending on where the ROW is needed and what type of work will be performed.

#### State of Virginia



**VA. Code Ann. § 56-458(D)(2002):** *Transportation Board has 45 days to grant or deny approval for use of right-of-way, and if denied it must provide a written explanation of the reasons the permit was denied, and the actions required to cure the denial.*

#### State of Ohio



**Ohio Rev. Code Ann. § 4939.03(C) (Anderson 2002):** *Municipalities must approve or deny applications within 60 days of receipt.*

# Permitting-related Best Practices

State and local agencies must look out for common red flags when dealing with the permitting process and are encouraged to make use of permitting green flags.

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## PERMITTING RED FLAGS

Avoid these red flags when working through the permitting process with your state and local agencies.

### Exorbitant Fees |

Some state and local agencies assess costly fees for processing permits that can deter applicants from applying, increase timelines, and create unnecessary hurdles. To ensure efficiency, set fee rules or guidelines that **tie the fee to the actual cost of permit processing**.

### Lack of Communication |

Failing to communicate across state agencies and other units of government **can result in unnecessarily duplicative permits**. Be sure to communicate with **all relevant stakeholders when developing policies** to make your permitting processes more efficient and less resource intensive.

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## PERMITTING GREEN FLAGS

Pay attention to these green flags when working through the permitting process with your state and local agencies.

### Consolidate Permits |

States and local agencies that consolidate permits (for example, by addressing duplicative permits by creating a **'General' permit**) increase the efficiency and speed of permitting review processes.

### Allow E-Permitting |

Some states, such as Illinois, have already **implemented online/e-permitting to streamline the process** by allowing applicants to fill out applications online, track them, and correct them if necessary. E-permitting can reduce applicant confusion by helping them understand all requirements up front.

### Assess Capacity |

State and local governments must be prepared for the upcoming permitting application increase. Assessing your **current capacity** and making adjustments (such as hiring consultants) before the permits come in will ensure a well-resourced and timely process.