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# Permitting Best Practices: Case Studies

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States have implemented policies and regulations to streamline aspects of their state and local permitting processes to develop efficiencies in deployment.

## EXAMPLES OF BROADBAND READY COMMUNITIES

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



### State of Indiana

Indiana’s Broadband Ready Communities program serves as “a tool to encourage broadband deployment” by 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” if the political subdivision has 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

Many states have implemented web portals and tracking tools to assist in the streamlining of permitting applications and approval processes in their state.



### Illinois Environmental Protection Agency

Illinois developed a new web portal to accept state agency permit applications online, allowing 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The City of Rancho Cordova in California was utilizing outdated software and paper-based processes for permitting which delayed project progress. 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.

## RIGHT OF WAY (ROW) REGULATION EXAMPLES

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

### Public ROW

Some states have passed statutes establishing the rights of telecommunications companies and public utilities to construct, maintain and operate their systems along public ROW.

#### 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 Utah



**Utah § 54-21 (2018):** A wireless provider may, as a permitted use under the authority's zoning regulation and subject only to administrative review: install, operate, modify, maintain, or replace a utility pole associated with the wireless provider's collocation of a small wireless facility.

### Compensation

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

#### State of Kansas



**Kansas Statutes § 66-2019 (2019):** An authority shall only assess fees or charges for the actual costs relating to the granting or processing of an application that are directly incurred by the authority and not charge any market-based or value-based fees for the processing of an application.

#### 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 ROW for the public utility. These costs shall be assigned individually to the public utility creating the costs.

### Timelines

Multiple states have established timelines for approving or denying the ROW application, with some flexibility depending on location and type of proposed work.

#### State of Virginia



**VA. Code Ann. § 56-458(D)(2002):** Transportation Board has **45 days** to grant or deny approval for use of ROW, 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.

Grant recipients must prepare for common permitting challenges. Coordinating with state and local permitting authorities early is key to permitting success.

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## PERMITTING CHALLENGES

Grant recipients can avoid or mitigate these challenges when working through the permitting process.

### Costly Fees

Some agencies may assess high fees for processing permits that can deter applicants from applying, increase timelines, and create unnecessary hurdles. To promote efficiencies, grant recipients are encouraged to work with these agencies to seek fees that tie the fee to the actual cost of permit processing (cost recovery) and to pursue cost efficiencies through consolidating permits (see below).

### Communication Gaps

A lapse in communication across agencies and other units of government can result in duplicative permits. Grant recipients are encouraged to identify all permit requirements up front and communicate with all relevant stakeholders to minimize duplication and make the permitting process more efficient.

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## PERMITTING RECOMMENDATIONS

Grant recipients should encourage permitting agencies to implement these efficiencies.

### Consolidate Permits

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

### Use E-Permitting

Many federal agencies and states have **implemented online/e-permitting systems and tools** that allow applicants to complete applications online, track them, and correct them if necessary. E-permitting can streamline the process by ensuring that applicants understand all requirements up front. Grant recipients should identify which tools are available for online submission and tracking early in their project planning.

*This document is intended solely to assist applicants in better understanding the requirements set forth in the Notice of Funding Opportunity (NOFO) applicable to several of NTIA's broadband grant programs and follow-on policies and guidance. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, the terms and conditions of the award, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, the terms and conditions of the award, the requirements set forth in the NOFO, and follow-on policies and guidance, shall prevail over any inconsistencies contained in this document.*