

FCC Adopts Report and Order to Streamline Tower Rules

[Chip Yorkgitis](#)

August 8, 2014

By a 5-0 vote at its August 8th Open Meeting, the Commission approved a Report and Order to streamline and update the rules governing the construction and marking and lighting of antenna structures (i.e. structures housing communications equipment). Modernization of these rules has been in the works for many years and is being addressed as part of the Commission's process reform initiative.

The FCC's goal with these updates is to increase efficiency in the tower construction process while at the same time improving compliance and maintaining the safety considerations for pilots and aircraft across the country. Currently, companies constructing new tower sites must navigate an extensive approval process, including the National Historic Preservation Act (NHPA) and the National Programmatic Agreement (NPA), review by potentially affected Tribal Nations and State Historic Preservation Offices, EPA's National Environmental Protection Act (NEPA), as well as review and approval by local governments, the FCC and the FAA. Tower owners must also comply with tower painting, marking and lighting requirements.

In a [recent blog post](#), Chairman Wheeler said the new rules seek to "provide clarity and reduce regulatory burdens on antenna structure owners and licensees" while protecting the FAA's requirements to protect air travel. Wheeler expects the updates "will enable the companies that deploy wireless networks to build out quickly without unnecessary burdens and, as a result, benefit American consumers by meeting their demand for more and more wireless service."

The specific changes to the Part 17 of the FCC's rules addressing antenna structures, are not yet public since the Report and Order is not yet available. However, the FCC's Wireless Telecommunications Bureau indicated the updated rules eliminate outdated provisions and streamline the regulations with FAA regulations, meaning the Report and Order deserves a close look by those owning and deploying antenna structures, as well as the operators using them. We do know that there will be an exemption from quarterly physical inspection of towers for tower owners that use robust remote monitoring systems. Additionally, the FCC updated the rules for lighting outage reporting and tower maintenance requirements. The new streamlined process could facilitate small cell and broadband deployment nationwide, which continue to be high priorities for the Commission and commercial mobile wireless providers. But tower construction firms, utilities, and many others will have a real interest in the Report and Order as well.