



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

November 5, 2020

The Honorable Theodore W. Becker
Mayor
City of Lewes
114 E. Third Street
P.O. Box 227
Lewes, DE 19958

Dear Mayor Becker,

This letter is being sent to provide additional information about the Delaware Department of Transportation's (DelDOT) small wireless permitting process and is an update to correspondence originally emailed in February 2018.

House Bill 189 became 17 Del C. 16 on August 31, 2017, known as the "Advanced Wireless Infrastructure Investment Act." This act allowed wireless service providers to install small wireless facilities in the rights of way, specifically of state-maintained roads. In preparation for the passing of this act into law, DelDOT developed a process for permitting and approval of such facilities. A website, <https://www.deldot.gov/Business/WirelessPermits/index.shtml>, was developed as a way to communicate with the wireless service providers and to provide information for any interested parties on the DelDOT process.

In addition to the Delaware legislation, the Federal Communication Commission (FCC) also issued rules related to small wireless permitting reviews and approvals in September 2018. In some cases, the FCC rules differ from Delaware's "Advanced Wireless Infrastructure Investment Act" so it is important to understand the requirements of both.

DelDOT's review and approval of proposed small wireless facilities within the right of way of state-maintained roads is limited to a safety review. For consistency with traditional utility permitting, we do not review any submissions for aesthetic components. To address aesthetics for small wireless installations, municipalities can pass local ordinances to establish criteria.

We realize municipalities have an important role to play in this process. As such, we have developed small wireless permit checklists for the wireless service providers to use when planning their locations and submissions to our office. The checklists ask permit applicants about the level of coordination performed with the municipality in which a facility lies. We are asking these

questions to highlight the need to coordinate with municipalities. However, it is important to note that the law does not allow us to withhold permits due to lack of input from municipalities. Our wireless checklists can be found on the website provided above.

Due to the tight timeframes dictated by Delaware Code and the FCC rules, we are limited on the ability to have detailed coordination with municipalities and other entities on these submissions. However, we are willing to notify municipalities whenever we receive submissions within their limits and once permits are approved. If you are interested in receiving notifications, please supply us with a primary and secondary contact to receive the notifications. Please include name, title, address, phone number, and email address.

It is important to note that we have authorized over 100 small wireless permits statewide to date. We will keep your municipality in the loop with submissions and approvals moving forward. We are also more than happy to meet with you or your designee to discuss the process further.

Sincerely,



Shanté Hastings, P.E.

Chief Engineer

Division of Transportation Solutions

SH/bmp

By e-mail: Monroe Hite, Chief, DelDOT Right-of-Way
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