INTERNET FOR ALL

# Local Permitting Importance, Challenges, and Strategies

August 2024

NTIA

DEPARTMENT OF COMMERCE · UNITED STATES OF AMERICA

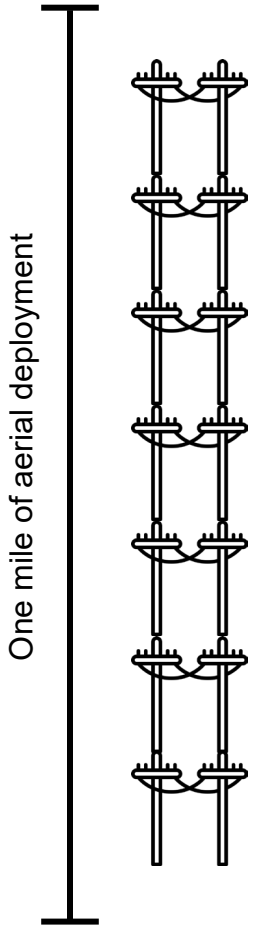
# Agenda

1. Permitting Overview
2. Importance of Local Permitting
3. Local Permitting Challenges
4. Strategies for Streamlining

# Permitting Overview

# Permitting Landscape

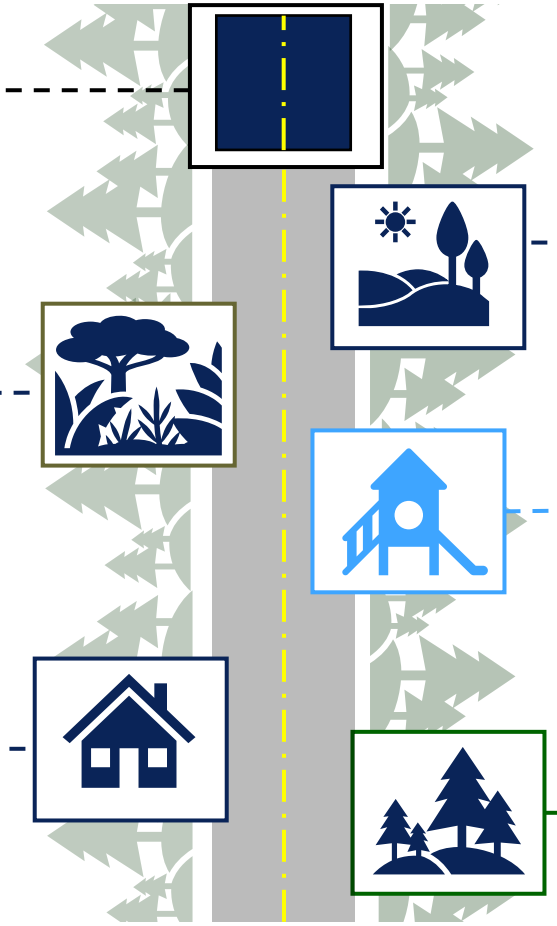
Construction of a simple one-mile broadband deployment can require various local, state, and/or federal permits. Deployment that runs through local land will require coordination with state/local governments to obtain permits.




Aerial deployment will go across **federal highways**, which requires a permit/right-of-way (ROW) from the **Federal Highway Authority (FHWA).**

**Every federal permit or ROW obtained will require Environmental and Historic Preservation (EHP) analysis** and state/local agencies may have their own regulations.

The aerial deployment passes through a **private parcel**, which requires a permit/ROW for possibly both the **municipal road** and for crossing **private land**.



**Legend:** Local land | Other

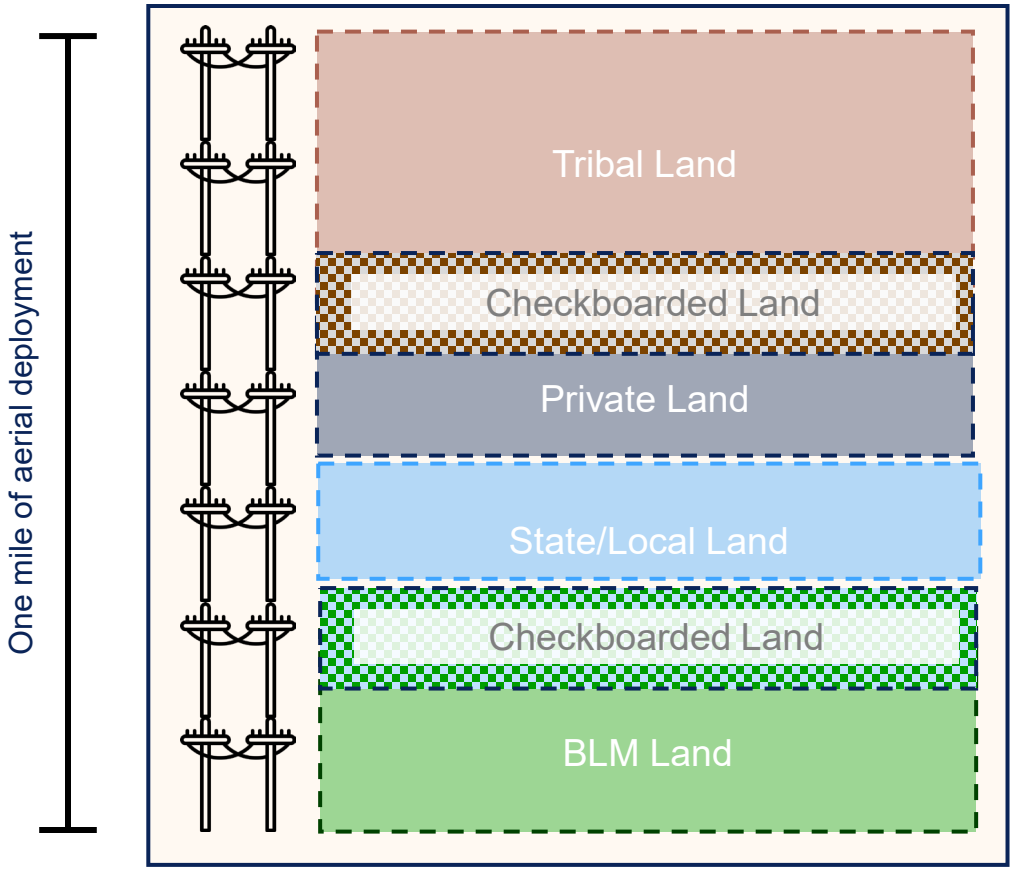
The deployment will run through **Tribal land**, which requires a specific set of **permits for Tribal access**.

The deployment will run through **a city-owned park**, which requires a **state/local permit/ROW** to be obtained.

The highway is built on **Bureau of Land Management (BLM)** land, which requires a permit/ROW to build on that land.

# Jurisdictional Deployment Challenges

Adjacent land in the U.S. may have multiple owners, requiring applicants to obtain various approvals and permits to deploy broadband.




***What types of authorizations may be required for broadband?***

- **Federal lands.**
- **State lands.**
- **Local jurisdictions.**
- **Tribal lands**.
- **Checkerboarded lands.** *Checkerboarding refers to land ownership that is intermingled between two or more owners, which results in a checkerboard pattern across the given area.*
- **Private lands.**

# What is Local Permitting?

Local permitting may include permits, authorizations, easements, and rights-of-way applications required from towns, counties, and other municipal government.

## TYPES OF PERMITS

- Federal
- State
- **Local**
- Private

## EXAMPLES OF LOCAL PERMITTING INTERESTS

- ***Education-related Agencies*** *(i.e., Local School Counties/Districts)*
- ***Public Safety Entities*** *(i.e., Local Police Department, Local Department of Health and Human Resources)*
- ***Environmental Resource Agencies*** *(i.e., City Department of Parks and Recreation, local parks/forests)*
- ***Transportation and Infrastructure*** *(i.e., county and local roads/bridges)*
- ***Historic Preservation Groups*** *(i.e., Historic Preservation Commissions)*
- ***Utilities*** *(i.e., public and private utility owners, 811 and coordination services)*

# Importance of Local Permitting

# Local Permitting Responsibilities

Local governments such as county governments, municipal governments, and regional planning agencies hold responsibility to ensure safety, consistency, and fair access of resources to local constituents.

## LOCAL PERMITTING RESPONSIBILITIES

- **Oversee Land, Infrastructure, and Utilities**: Local governments review applications, assess compliance with regulations, and grant or deny permits related to locally owned land, utilities, and infrastructure (such as roads, bridges, etc.) to coordinate deployment efforts with community access to resources.

- **Inspect and Check Compliance**: Local governments complete compliance checks to confirm consistent observance of local safety and environmental regulations such as materials dumping, drainage, and noise ordinances.

- **Manage Community Expectations**: Local governments integrate community voice into planning efforts, manage interruptions to day-to-day economic and residential operations, and coordinate with local organizations to promote community safety and encourage buy-in for infrastructure deployment.

Some local permitting processes may overlap with state/territory, Tribal, private, and federal approvals. Grantees must obtain **all necessary permits, easements, authorizations, and inspections** before deployment.

# Importance of Local Permitting to Communities

Effective permitting at the local level supports local infrastructure, integrates citizen voices into the design, and protects worker and community safety.

### INFRASTRUCTURE COORDINATION

**Local governments own and operate significant portions of infrastructure, especially in rural areas.**

The National Association of Counties estimates that counties own 38% of bridges and maintain 44% of public road miles, many of which may need to be accessed via right-of-way easements during broadband deployment and permitting processes.[1]

### STAKEHOLDER ENGAGEMENT

**Local governments are key to coordinating stakeholder engagement within communities.**

Transparency and accountability are highly valued in local governments. Partnering with local governments can foster community buy-in, encourage a diversity of ideas, and promote a cycle of trust between citizens and their local governments.

### SAFETY IN COMMUNITIES

**Local permitting provides regulation and oversight to protect workers and the public during deployment activities.**

Local permitting and regulations prevent disruptions to local ecosystems and economies, through initiative such as the 811 “call before you dig” hotline to avoid impact to existing utilities lines.



1: National Associations of Counties, “The County Role In Infrastructure,” July 2021 https://www.naco.org/sites/default/files/documents/County-Role-in-Infrastructure.pdf

# Importance of Utility Coordination

Early engagement with utility owners can help project teams identify possible issues early, increase deployment efficiency, and save time and money.

## OVERVIEW OF UTILITY COORDINATION

**Project teams should coordinate plans for broadband deployment with utility owners**. Early and regular communication with utility owners can help project teams obtain information and resources that will help them avoid impacts on existing utilities, encourage information sharing among multiple stakeholders, and save time and money in the process.

## UTILITY COORDINATION GUIDANCE

- ✓ Engage utility owners early so they can coordinate utility work with broadband projects and comply with the dig once policy
- ✓ Request a no-conflict letter or e-mail from utility owners as part of the permitting process
- ✓ Use State DOT offices for assistance with utility coordination and to facilitate communication with utility owners

## BENEFITS OF UTILITY COORDINATION

**Protect Existing Infrastructure:** Project teams should work with utility owners, utility service mapping groups, and public utility locating (811) services to obtain utility data and confirm that their broadband deployment plans will not cause negative impacts to existing infrastructure.

**Reduce Deployment Time and Costs:** Proper planning and coordination with utility owners will help project teams build more efficiently, which can save time and money associated with site relocations and damaged utilities.

# Local Permitting Challenges

# Overview of Local Permitting Challenges

Local governments and project teams may encounter challenges during the permitting process which can increase costs and delay deployments.

## LOCAL GOVERNMENT CHALLENGES

**Resource Constraints**
Limited personnel can slow down processes.

**Technological Limitations**
Working with inefficient, paper-based permitting systems.

**Workload Increase**
Agencies will be managing a larger-than-average number of permitting requests.

## PROJECT TEAM CHALLENGES

**Jurisdictional Differences**
Difficult to navigate multiple processes and approval systems.

**Access and Infrastructure Challenges**
Navigation of shared infrastructure and property access may require extra work.

**Ready Pole Access**
Local utility poles may not be suitable or prepared for broadband attachments.

# Permitting Challenges | Local Governments

Local governments face several challenges that may hinder their ability to quickly facilitate the issuance of permits related to broadband grant funding, such as NTIA's Internet For All programs.

## LOCAL GOVERNMENT CHALLENGES

**Resource Constraints**: Local governments often operate under tight budgets with limited personnel. This can limit their ability to invest in new technologies or hire additional staff to expedite the permitting process.

**Technological Limitation**: Many local governments rely on paper-based systems for permits, which can be outdated or cumbersome. For them to transition to a digital system that is integrated across departments can be costly and complex, particularly for smaller jurisdictions.

**Workload Increase**: With the influx of new permitting requests due to federal infrastructure programs, local governments will have to manage an increased workload. They will have to respond to increased pressure from project teams and outside agencies to meet permitting deadlines and expedite their processes.

# Strategies for Streamlining

# Streamlining Strategies | Local Governments

Local governments can incorporate strategies and proven practices to streamline processes and reduce barriers to broadband deployment.

## EXAMPLES

**Increase Communication**

To support well-resourced, effective, and timely permit processing, local governments should **provide regular and proactive communication** with project teams to explain permit requirements and encourage mutual transparency.

**Consolidate Permits**

Local agencies that consolidate permits can **increase the efficiency and speed** of permitting review processes. For example, municipalities can create one 'general permit' to address duplicative permits.

**Allow E-Permitting**

Some counties have already **implemented online/e-permitting to streamline the process** which allow applicants to fill out applications online, track them, and correct them if necessary. E-permitting helps applicants understand all requirements up front, which can **reduce applicant confusion**.

**Automate Processes**

To alleviate staffing and capacity constraints, local agencies should consider how to **automate internal and external processes**. Digital permitting and robotic process automation are some of the strategies local governments have adopted to minimize impacts from staffing limits.

# Streamlining Strategies | E-Permitting Case Studies

Many cities have implemented web portals and tracking tools to help streamline permitting applications and approval processes in their state.

## CASE STUDIES:

**City of Bellevue, Washington**

The City of Bellevue developed a web portal with 13 other participating jurisdictions to accept permit applications online. The portal allows applicants to search for the permit they want, apply for the permit online, and track pending applications to make permitting more accessible for applicants. The city also offers predevelopment services to provide assistance and feedback about a project before submitting an application.

**City of Rancho Cordova, California**

The City of Rancho Cordova in California adopted a new enterprise permitting, planning, code management, and licensing solution to replace their outdated software and paper-based processes for permitting. The new solution allows citizens to easily connect and engage online and mitigates delays in project progress. The city also provides a user-friendly digital guide that helps citizens navigate the online permitting and licensing process.



Source: "Permits," City of Bellevue, https://bellevuewa.gov/city-government/departments/development/permits
Source: "Rancho Cordova Online," City of Rancho Cordova, https://www.cityofranchocordova.org/residents/resident-services/apply-for-a-license-or-permit-residents/rancho-cordova-online

# Permitting Challenges | Project Teams

Project teams may face difficulty navigating the varying application processes across local governments, leading to delays and increased deployment cost.

## PROJECT CHALLENGES

**Jurisdictional Differences**: The rules and regulations that govern permitting can vary significantly from one jurisdiction to another, adding complexity for project teams operating across multiple areas. Project teams will need to navigate each process and have an appropriate timeline to overcome this logistical challenge.

**Access and Infrastructure Challenges**: Project teams may face significant hurdles sharing existing infrastructure with other service providers or gaining land access and rights-of-way permissions, especially for deployment that crosses private property (such as farm easements) or protected lands (such as parks and wildlife preserves).

**Ready Pole Access**: Project teams may face challenges when existing utility poles require replacement or are not structurally suitable for broadband installation. Project crews are not generally licensed to make updates to power lines, so they must wait for pole owners, which causes construction delays.

# Streamlining Strategies | Project Teams

Project teams can incorporate proven permitting strategies and practices to effectively prepare for local permitting.

## RECOMMENDED PRACTICES

**Consult with Experts**
Choosing a site that minimizes impacts may reduce the number of permits required. Project teams may hire, contract, or otherwise retain staff with relevant NEPA qualifications to provide environmental impact expertise and improve the efficiency of the permitting process.

**Plan Application Ahead**
Work with the local planning department or state permitting agency to gain project and site feedback before applying. Project teams should stay on top of deadlines, consistently review application statuses, and schedule meetings with relevant agencies before submitting the application to confirm completeness and expedite the application review process.

**Standardize Service Agreement Process**
Project teams should adopt master or franchise service agreements with municipalities to obtain permissions to build on existing infrastructure. MSAs help businesses that require multiple agreements with a single client negotiate terms once, which can expedite the contract negotiation process, provide increased transparency, and potentially lower contracting costs.



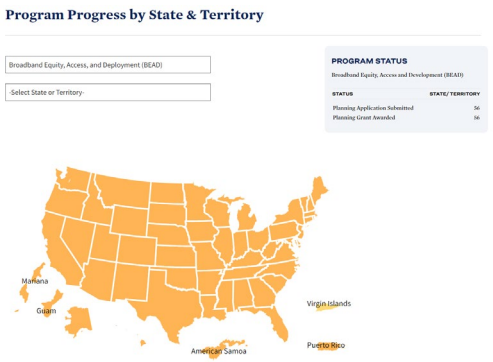
Source: "What Is A Master Service Agreement and Why Do You Need One?" NOLO, https://www.nolo.com/legal-encyclopedia/what-is-a-master-service-agreement-and-when-do-you-need-one.html

# Additional Resources

NTIA provides resources on the Internet For All program, BEAD, and permitting guidance to support successful broadband deployment.

## Internet For All Website

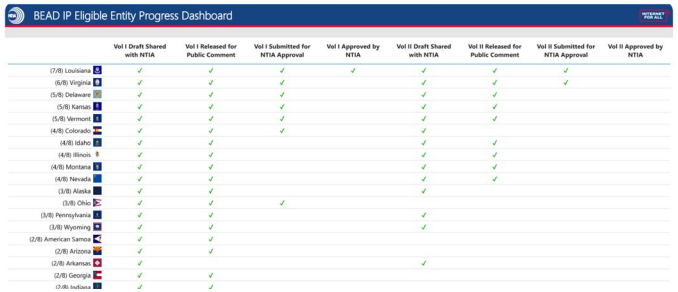
For detailed program information about the Internet For All Grants, use InternetForAll.gov to search by program.




Interactive Funding Map

## BEAD Program Resources

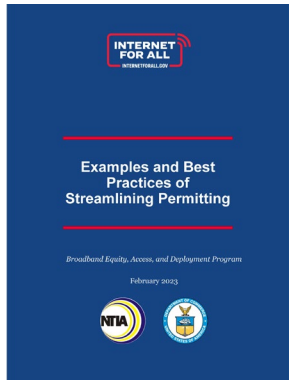
NTIA offers BEAD Program Resources including policy guidance and technical assistance.




BEAD Initial Proposal Progress Dashboard

## NTIA Permitting Guidance

NTIA has compiled a Permitting Technical Assistance page on available permitting and EHP resources.




Permitting Best Practices: Case Studies

**For more information, visit the BroadbandUSA State and Local Government webpage.**

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# Thank You

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