

1 [Master License Agreement - New Cingular Wireless PCS, LLC, dba AT&T Mobility - Wireless
2 Telecommunication Equipment on Transit Support Poles - Revenue to Exceed \$1,000,000]

3 **Resolution retroactively approving an executed Master License Agreement between the**
4 **City and County of San Francisco and New Cingular Wireless PCS, LLC, dba AT&T**
5 **Mobility for the installation of wireless telecommunication antennae and equipment on**
6 **San Francisco Municipal Transportation Agency poles, each for an amount to exceed**
7 **\$1,000,000 and a term of nine years estimated from December 30, 2015, through**
8 **December 29, 2024; and affirming the San Francisco Municipal Transportation**
9 **Agency’s determination under the California Environmental Quality Act.**

10
11 WHEREAS, Charter, Section 8A.102(b)1 provides in pertinent part that the San
12 Francisco Municipal Transportation Agency (SFMTA) has "exclusive authority over the
13 acquisition, construction, management, supervision, maintenance, extension, operation, use,
14 and control of all property, as well as the real, personal, and financial assets of the Agency;
15 and [has] ... exclusive authority over contracting, leasing, and purchasing by the Agency"; and

16 WHEREAS, Charter Section 8A.109(b) requires that the Mayor, the Board of
17 Supervisors, and the SFMTA “diligently shall seek to develop new sources of funding for the
18 Agency's operations”; and

19 WHEREAS, The SFMTA currently owns approximately 10,000 Transit Poles in San
20 Francisco, which are poles of various types of construction used to support the overhead
21 catenary traction power system that powers trolley buses and light rail vehicles; and

22 WHEREAS, In late 2013, wireless telecommunications companies approached the
23 SFMTA seeking access to its Transit Poles for the installation of wireless telecommunication
24 antennae and equipment (ODAS Equipment) to enhance wireless telephone and data
25 services to their customers in San Francisco; and

1 WHEREAS, On July 15, 2014, by Resolution No. 14-121, the SFMTA Board of
2 Directors adopted a "Policy for Placement of Wireless Facilities on SFMTA Owned and
3 Managed Real Estate Assets" (SFMTA Wireless Policy) that established policies and
4 procedures that govern the fair access and use of Transit Poles by third parties; and

5 WHEREAS, On July 15, 2014, also by Resolution No. 14-121, the SFMTA Board
6 approved a form Master Outdoor Distributed Antenna System Pole License Agreement
7 ("Master License Agreement"), which SFMTA staff negotiated with representatives of the
8 telecommunication industry, and also delegated to the Director of Transportation the authority
9 to approve Master License Agreements on behalf of the SFMTA; and

10 WHEREAS, The form Master License Agreement contains a mechanism for issuing
11 individual Pole Licenses, each designating the locations of the licensed Transit Pole(s),
12 describing the ODAS Equipment to be installed on said Transit Pole(s), and setting out
13 conditions or requirements unique to the licensed Transit Pole(s) as to ODAS Equipment
14 installation and aesthetic requirements; and

15 WHEREAS, The form Master License Agreement and the SFMTA Wireless Policy
16 authorize the SFMTA to consult with the Planning Department to ensure that the design of
17 any ODAS Equipment to be installed on any Transit Pole is appropriate for a given location;
18 and

19 WHEREAS, The form Master License Agreement provides that the SFMTA will not
20 allow any ODAS Equipment or other communications equipment to be installed on a Transit
21 Pole unless the Department of Public Works has issued the permit required under Article 25
22 of the Public Works Code; and

23 WHEREAS, On November 3, 2015, by Resolution No. 15-150, the SFMTA Board
24 adopted an "ODAS Pole Selection Policy and Charges for Unpowered and Unmapped Poles"
25

1 that established additional pole license review procedures and proprietary charges to Transit
2 Poles without power; and

3 WHEREAS, On November 3, 2015, by Resolution No. 15-151, the SFMTA Board
4 recommended that the Board of Supervisors retroactively approve three Master License
5 Agreements with Mobilitie Investment III, LLC, Exenet Systems (California), LLC, and GTE
6 Mobilnet, LP d/b/a Verizon Wireless, each for an amount to exceed \$1,000,000 and a term of
7 nine years; and

8 WHEREAS, On December 1, 2015, the Board of Supervisors approved the three
9 Master License Agreements, which are on file with the Clerk of the Board of Supervisors in
10 File No. 151100; and

11 WHEREAS, On December 30, 2015, the SFMTA entered into a Master License
12 Agreement with a fourth telecommunications firm, New Cingular Wireless PCS, LLC, dba
13 AT&T Mobility, for a term of nine years; and

14 WHEREAS, On July 19, 2016, the SFMTA Board of Directors adopted Resolution No.
15 16-090, recommending that the Board of Supervisors retroactively approve the Master
16 License Agreement between the SFMTA and New Cingular Wireless, LLC (now AT&T
17 Mobility), for a term of nine years and revenues of \$1,000,000 or more, which resolution is on
18 file with the Clerk of the Board of Supervisors in File No. 160786; and

19 WHEREAS, AT&T initially represented that it would seek to install ODAS on 14 poles,
20 but subsequently requested licenses for 75 poles, thereby increasing the SFMTA's anticipated
21 revenues from the MLA from \$534,618 to \$2,864,025; and,

22 WHEREAS, Charter, Section 9.118(a) requires that the Board of Supervisors by
23 resolution approve any contract that produces revenues of \$1,000,000 or more; and,

24 WHEREAS, Approval of the Master License Agreement is not subject to the California
25 Environmental Quality Act (CEQA) as defined under California Environmental Quality Act

1 (CEQA), California Public Resources Code, Sections 21000 et seq., the CEQA Guidelines, 15
2 Cal. Administrative Code, Sections 15000 et seq., (CEQA Guidelines), and San Francisco
3 Administrative Code, Chapter 31 (Chapter 31); and

4 WHEREAS, On June 24, 2016, the SFMTA has determined that the actions
5 contemplated in this Resolution comply with CEQA; and

6 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
7 File No. 160786 and is incorporated herein by reference; and

8 WHEREAS, The Board of Supervisors affirms the SFMTA's CEQA determination; now,
9 therefore, be it

10 RESOLVED, That the Board of Supervisors approves the Master Outdoor Distributed
11 Antenna System Pole License Agreement between the SFMTA and New Cingular Wireless
12 PCS, LLC, dba AT&T Mobility dated December 30, 2015, which Agreement is on file with the
13 Clerk of the Board of Supervisors, for an amount to exceed \$1,000,000 and a term of nine
14 years estimated from December 30, 2015, through December 29, 2024; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
16 Transportation of the SFMTA to enter into any amendments or modifications to the Agreement
17 (including, without limitation, the exhibits to those documents) that the Director of
18 Transportation determines, in consultation with the City Attorney, are in the best interest of the
19 City, do not increase expenditures or otherwise materially increase the obligations or liabilities
20 of the City, are necessary or advisable to effectuate the purposes of the Agreement, or this
21 Resolution, and are in compliance with all applicable laws, including the City's Charter; and,
22 be it

23 FURTHER RESOLVED, That within 30 days of the Master License Agreement being
24 fully executed by all parties, the final documents shall be provided to the Clerk of the Board for
25 inclusion in the official file.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160786

Date Passed: August 02, 2016

Resolution retroactively approving an executed Master License Agreement between the City and County of San Francisco and New Cingular Wireless PCS, LLC, dba AT&T Mobility for the installation of wireless telecommunication antennae and equipment on San Francisco Municipal Transportation Agency poles, each for an amount to exceed \$1,000,000 and a term of nine years estimated from December 30, 2015, through December 29, 2024; and affirming the San Francisco Municipal Transportation Agency's determination under the California Environmental Quality Act

August 01, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

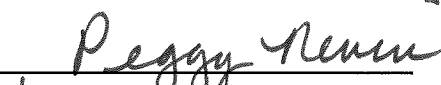
August 01, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

August 02, 2016 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Peskin

File No. 160786

I hereby certify that the foregoing Resolution was ADOPTED on 8/2/2016 by the Board of Supervisors of the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board


Mayor

8/11/16
Date Approved