



Telecom and Rights of Way Update:  
Hot Topics in Wireless!

**CITY/COUNTY ENGINEERS' ASSOCIATION  
OF  
SAN MATEO COUNTY**

*January 16, 2025*

**Presenters:**

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## **Jonathan L. Kramer, Esq., J.D., LL.M, LP.D**

**Senior Partner, Telecom Law Firm, P.C. (San Diego, Los Angeles, Boston)**  
**3 Attorneys; 4 support staff; 2 Canine Executive Officers.**

- **Admitted to practice in California and New Mexico**
- **Member of the Executive Board of the Public Law Section of the California Lawyers Association;**
- **Admitted to practice in the 9<sup>th</sup> Cir. Court of Appeals; 10<sup>th</sup> Cir. Court of Appeals; Central District of California.; District of New Mexico.**
- **Licensed by FCC since early 70s (holds an excessive number of licenses and certificates)**
- **Licensed by FAA as a remote aircraft pilot (drone pilot inspecting cell sites)**
- **35+ years in telecom engineering/safety reviews**
- **(RF, broadband, fiber, outside plant safety, code compliance, RF safety)**
- **33+ years consulting on telecom matters > 1,500 governments/firms;**
- **25+ years of wireless leasing, siting, and planning matters >3,000 cases/matters**
- **Expert witness/trial advisor in 40+ wireless, wired telecom cases**
- **Co-author, Co-editor of FCC's "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance"**
  
- **Member: IMLA; NATOA (NATOA's only twice Member of the Year); SCAN NATOA; Senior Member of the Society of Broadcast Engineers; ARRL Life member (50+ years); Fellow, Society of Telecommunication Engineers (UK); Sr. Member Emeritus, Society of Telecommunications Engineers (US) (40+ years).**
  
- **Education/Teaching**
  - Doctor of Law and Policy, Northeastern Univ., Boston**
  - Master of Law *with distinction*, Strathclyde Univ. School of Law, Glasgow**
  - Juris Doctor *cum laude*, Abraham Lincoln School of Law, Los Angeles**
  - Instructor: Regulatory Law and Policy, Northeastern University, Boston and Seattle (Doctoral and Masters levels)**

# Lory Kendirjian, B.A., LL.M

## Senior Project Manager and Senior Paralegal

- **Heads Telecom Law Firm, P.C.'s  
Wireless Application Processing Staff**

Processed > 8,700 wireless projects for Macros new sites/small cells, modifications, Renewals, etc.

Supervises TLF staff conducting project reviews and is Telecom Realty Corp's Senior Wireless Site Property Manager

- **Education:**

University of Strathclyde Master of Laws (LL.M) Internet Law & Policy  
IT & Telecommunications Law *with distinction* (Dissertation: "*Federal and Local Government Small Wireless Facilities Policy Frameworks: Using Wireless Siting Applications to Identify and Bridge Competing Goals and Interests.*")

Haigazian University (B.S. B.A.)

Pasadena City College (Certified Paralegal Certificate)

University of CA Los Angeles (Management)

Allied American University (Real Estate)

- **Teaching:**

Instructor, Wireless Application Processing  
(internal staff and external clients)



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**Advised City of  
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past 10 years**



## NOT SO BIG NEWS: Section 6409(a) Largely Upheld by 9th Circuit Court of Appeals (League of California Cities v. FCC)

- Case centered around FCC's Declaratory Ruling reinterpreting its 6409 rules **WITHOUT** a mirror rulemaking process.
- Argued in the 9<sup>th</sup> Circuit July 2023; Decision released September 2024
- Court largely upheld FCC's actions.
- Key takeaway for PW officials:
  - If you require **CAMO**, you >must< specifically specify that **CAMO** in the permit (better: include a staff report describing WHY the camo is required).



## NOT SO BIG NEWS: Assembly Bill 965 - the “Broadband Permit Efficiency and Local Government Staff Solution Best Practices Act of 2023” became effective on 1/1/2024.

- The new law lives at California Government Code Section 65964.3.
- The law purports to speed up **broadband deployment** by allowing for batched applications in units of up to 25 or 50 sites per batched application (depending on the population of the jurisdiction) for “substantially similar broadband project sites”.
- This is really a PROW small cell deployment law that’s not limited to wireless site deployments.
- This law will likely impact local Public Works agencies far more than Community Development Departments. Many (most?) California public works codes lack modern wireless regulation provisions, especially as to design standards for wireless facilities in the PROW, and many (most? Any?) do not deal with broadband deployments.
- **Since our last visit with CCEA in 11/23, not much happening...yet**



**NOT SO BIG NEWS: Assembly Bill 965 - the “Broadband Permit Efficiency and Local Government Staff Solution Best Practices Act of 2023” became effective last year on 1/1/2024.**

- **Temporary cell sites; fiber installation are next! AB965 likely WILL NOT be at issue regarding emergency service restoration.**
- **More on emergency restoration later...**
- **AB965 Very likely to be used to permanently replace the expected HUNDREDS of cell sites and TENS OF THOUSANDS OF FEET of fiber in burn areas.**



**10:34 A.M. A FEW ACRES.**





**2:49 P.M. MORE THAN A FEW ACRES.**







24 Hours Later...





# Former Multi-Carrier Macrocell Eaton Fire





# PROW Cell Site in the Pacific Palisades Highlands





# PROW Cell Site in the Pacific Palisades Highlands





# Sole Access Road to the Pacific Palisades Highlands





# **Emergency/Temporary Comms Service Restoration**



# Emergency Temporary Cell Sites (COWs)





# Emergency Temporary Cell Sites (COLTs)







# Emergency Temporary Cell Sites (COLTs)





# Emergency Temporary (?) Power





# HAM RADIO, CERT





# IN ADVANCE OF THE INEVITABLE...

- Director-level local written guidance **IN ADVANCE** for:
  - Emergency temporary cell sites (**COWS** and **COLTS**)!
  - Emergency removal of dangerous compromised towers!!!
  - Consider **HAZMAT** remediation (**BATTERIES, CHEMICALS** etc.)!!!
  - Specific information to include in emergency permit requests!
  - What about inspections of emergency wireless sites?
  - What about inspection fees for emergency wireless sites?
  - Expedited permanent replacement wireless permit process!
  - Solar powered pole-mounted Mesh Wi-Fi nodes ready to deploy (you may already have a mesh network that can be leveraged in an emergency...)
  - Monitoring and compliance...
- **MAKE A PART OF YOUR STANDARD WRITTEN OPS AND EOC BINDERS**
- **Update at least annually; get help from experienced peers.**

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