

tween the frequencies from 5850 megahertz to 5925 megahertz.

(Pub. L. 112-96, title VI, § 6406, Feb. 22, 2012, 126 Stat. 231.)

#### § 1454. Guard bands and unlicensed use

##### (a) In general

Nothing in subparagraph (G) of section 309(j)(8) of this title or in section 1452 of this title shall be construed to prevent the Commission from using relinquished or other spectrum to implement band plans with guard bands.

##### (b) Size of guard bands

Such guard bands shall be no larger than is technically reasonable to prevent harmful interference between licensed services outside the guard bands.

##### (c) Unlicensed use in guard bands

The Commission may permit the use of such guard bands for unlicensed use.

##### (d) Database

Unlicensed use shall rely on a database or subsequent methodology as determined by the Commission.

##### (e) Protections against harmful interference

The Commission may not permit any use of a guard band that the Commission determines would cause harmful interference to licensed services.

(Pub. L. 112-96, title VI, § 6407, Feb. 22, 2012, 126 Stat. 231.)

#### § 1455. Wireless facilities deployment

##### (a) Facility modifications

###### (1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

###### (2) Eligible facilities request

For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

###### (3) Applicability of environmental laws

Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act<sup>1</sup> or the National Environmental Policy Act of 1969.

##### (b) Federal easements, rights-of-way, and leases

###### (1) Grant

If an executive agency, a State, a political subdivision or agency of a State, or a person,

firm, or organization applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (3), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

##### (2) Application

###### (A) In general

The Administrator of General Services shall develop a common form for applications for easements, rights-of-way, and leases under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings or other property of each such agency.

###### (B) Exception

The requirement under subparagraph (A) for an executive agency to use the common form developed by the Administrator of General Services shall not apply to an executive agency if the head of an executive agency notifies the Administrator that the executive agency uses a substantially similar application.

##### (3) Timely consideration of applications

###### (A) In general

Not later than 270 days after the date on which an executive agency receives a duly filed application for an easement, right-of-way, or lease under this subsection, the executive agency shall—

- (i) grant or deny, on behalf of the Federal Government, the application; and
- (ii) notify the applicant of the grant or denial.

###### (B) Explanation of denial

If an executive agency denies an application under subparagraph (A), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

###### (C) Applicability of environmental laws

Nothing in this paragraph shall be construed to relieve an executive agency of the requirements of division A of subtitle III of title 54 or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

###### (D) Point of contact

Upon receiving an application under subparagraph (A), an executive agency shall designate one or more appropriate individuals within the executive agency to act as a point of contact with the applicant.

##### (c) Master contracts for communications facility installation sitings

###### (1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law

<sup>1</sup> See References in Text note below.