



# LINK5G PROGRAM

NATIONAL HISTORIC  
PRESERVATION ACT SECTION  
106 HISTORIC PRESERVATION  
REVIEW PROCESS

CONSULTING  
PARTY GUIDE

# LINK5G PROGRAM CONSULTING PARTY GUIDE

## Introduction

CityBridge is excited to deploy Link5G to bring advanced connectivity to all New Yorkers. We welcome Consulting Parties' participation in the historic preservation review process of Link5Gs required by Section 106 of the National Historic Preservation Act (NHPA) and the implementing rules of the Federal Communications Commission (FCC). This guide is intended to facilitate your participation in the Section 106 process. It is not exhaustive, but we provide additional resources that you can consult.

## What is the Link5G program?

**Link5G Structures.** The City of New York awarded CityBridge a franchise through 2030 to administer the LinkNYC program. Approximately 2,000 first generation LinkNYC 9.5-foot kiosks already have been deployed. They provide free Wi-Fi connectivity and other free public services, including local, long-distance, and 911 telephone calls; online access to New York City social services; and a charging station for personal electronic devices. Link5G is the second generation LinkNYC 32-foot monopole structure. In addition to the same free services offered by today's LinkNYC kiosks, Link5Gs also are capable of hosting small cells operated by national wireless carriers to improve wireless coverage in the City and equipment for other wireless services. CityBridge expects that it will deploy an additional 2,000 Link5Gs over the next several years and that it will identify the locations for these structures on a rolling basis. CityBridge also expects to upgrade some of the existing LinkNYC kiosks to Link5Gs, which will also undergo Section 106 review prior to the upgrade.

**Locations.** The location of each Link5G structure is subject to specific criteria. The LinkNYC franchise agreement requires that 90% of sites deployed after June 2021 must be in the Bronx, Queens, Brooklyn, Staten Island, and above 96th Street in Manhattan and that 739 of the sites must be deployed in "equity" districts that generally either have lower income residents or historically lower broadband penetration. The LinkNYC franchise agreement's siting criteria also require that Link5Gs cannot be deployed within 200 feet of each other, and two Link5Gs cannot be deployed on the same block (including on the opposite side of the street). Other siting criteria govern the distance required for clear path on the sidewalk (8 feet) and the distance that a Link5G must maintain to various street encumbrances such as corners, fire hydrants, street signs, subway entrances, subway grates, wheelchair lifts, bus stops, newsstands, benches, parking meters, mailboxes, fireboxes, trees, and bike racks. Deployment is currently also limited to no more than 200 Link5Gs in residentially zoned areas (excluding commercial overlays) and New York City Landmarks Preservation Commission-designated historic districts.

**Parties.** CityBridge LLC is the entity that has received a franchise from the City of New York to deploy the LinkNYC structures, including for the Link5G program, and owns and operates them. ZenFi Networks, LLC, which recently changed its name to Boldyn Networks Infrastructure US LLC, is CityBridge's partner, and is responsible for deploying the structures and completing the historic preservation review for each Link5G. ZenFi has retained several expert consultants to assist with the historic preservation reviews, including EBI Consulting and Ramaker. These consultants prepare the Link5Gs' submissions to the relevant entities, and collect and review comments provided by consulting parties. The LinkNYC franchise is administered by the New York City Office of Technology and Innovation (OTI). For simplicity, the guide refers to CityBridge, ZenFi, and ZenFi's consultants as "CityBridge."

## What is a Section 106 review?

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties. A historic property is any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the U.S. Secretary of the Interior, including those of traditional religious and cultural importance to an Indian Tribe.

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If a federal undertaking has the potential to affect historic properties, then it must be reviewed under Section 106 to evaluate its effect. Because Link5Gs are new towers designed to host small cells that utilize FCC-licensed spectrum, the FCC considers them federal undertakings under the NHPA. The FCC's Section 106 review process for new towers is governed by the [Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process](#) (NPA), an agreement among the FCC, the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers. Each Link5G must therefore undergo a Section 106 review based on the NPA, unless it meets one or more of the NPA's exclusions.

### How does the Section 106 review process work for a Link5G?

To initiate a Section 106 review of a planned Link5G, CityBridge prepares a [Form 620](#) "Submission Packet" that includes information about CityBridge's determination of whether a Link5G affects historic properties in the structure's Area of Potential Effects (APE). The Form 620 will be submitted under Boldyn Networks Infrastructure US LLC. CityBridge uses the FCC's E-106 electronic interface to generate that form, submit it to the SHPO and Consulting Parties, and keep them updated on the submission process. CityBridge generally uses a 500-foot radius for its visual APE—i.e., the area in which a Link5G has the potential to introduce visual elements that may diminish or alter the setting, including the landscape, where the setting is a character-defining feature of a historic property that makes the property eligible for listing on the NRHP.

The New York State Parks, Recreation and Historic Preservation Office is the State Historic Preservation Office (SHPO) and reviews CityBridge's Submission Packets. Other parties entitled to participate in the review process are certain federally recognized Indian Tribes, local governments, and, if they qualify as Consulting Parties, other organizations or persons. The FCC and ACHP may also choose to get involved in the review process (discussed below).

### How do you keep informed about Link5G deployments?

Prior to deploying each Link5G, CityBridge will publish a public notice in the New York Post indicating the location of the proposed Link5G, a description of the structure, instructions on how to submit comments, and contact details.

CityBridge has also developed a website that anyone can access to keep informed: <https://citybridgelink5g.azurewebsites.net/>. The website includes a map of current and planned Link5G deployments relative to known Historic Properties and NYC Landmark Preservation Commission-identified landmarks. The map also provides information about each Link5G, including deployment status and Section 106 review status. CityBridge will update the map on a rolling basis as it identifies the locations for future Link5Gs. Moreover, the website includes a Consulting Party-specific section and information for the general public.

### What is a Consulting Party and how do you become one?

To qualify as a Consulting Party, an organization or person must satisfy the standard set forth in the NPA: it must have a demonstrated legal or economic interest in a historic property or possess demonstrated expertise or standing as a representative of local or public interest in historic or cultural resources preservation. To request Consulting Party status, a qualified organization or person must send an email to [nepa-nhpa@link.nyc](mailto:nepa-nhpa@link.nyc) and must include specific information about how it meets the NPA standard with respect to the geographic area for which it is requesting Consulting Party status. CityBridge will consider each request on a case-by-case basis. If CityBridge denies an organization Consulting Party status, the organization may ask the FCC to review its request by emailing [consultingpartyrequests@fcc.gov](mailto:consultingpartyrequests@fcc.gov).

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With respect to each Link5G that CityBridge plans to deploy in a Consulting Party's geographic area, CityBridge will send the Consulting Party a copy of each Submission Packet and any notices, correspondence, and other material CityBridge provides to the SHPO during the Section 106 review process for the structure. A section of the website that is only available to Consulting Parties will also include all the documentation discussed above. Consulting Parties will have additional capabilities to comment on each Link5G within the website.

CityBridge will provide Consulting Parties credentials along with the transmittal email approving their requests. Because the credentials are used to identify comments submitted by a Consulting Party, they should be used only by the Consulting Party. Moreover, the information provided on the website is intended solely for use in the Section 106 review process, and may not be disseminated publicly or used for purposes other than the Section 106 review.

The website is not a substitute for email correspondence, however, and to ensure that CityBridge is able to maintain a record that it can submit to the SHPO, Consulting Parties will continue receiving materials by email from CityBridge. The website simply aims to help Consulting Parties track all of the documentation CityBridge submits to the SHPO and any comment associated with a Link5G deployment.

The Consulting Parties' comments regarding a Link5G's effect on the relevant historic property(ies) will be considered by CityBridge and the SHPO (and, in some cases, the FCC). But comments outside the scope of historic preservation will not be considered in the Section 106 review process. CityBridge will instead consider such comments in other forums, described below.

CityBridge will hold quarterly meetings with the Consulting Parties during which CityBridge will solicit feedback from the Consulting Parties regarding their participation in the Section 106 review process.

### What if you are not a Consulting Party?

Members of the general public may follow the instructions in the public notice or fill out the form available on the website (and follow instructions there) to submit historic preservation-related comments. They can keep informed of Link5G deployments using the map described above.

### What are the potential outcomes for each Link5G Section 106 review?

In its Section 106 Submission Packet for each Link5G, CityBridge will specify what, if any, effect it believes that the structure will have on historic properties within its APE. The SHPO and Consulting Parties will review CityBridge's determination and decide whether they agree. If the SHPO advises that a Link5G structure will have an "adverse effect" on a historic property, CityBridge will, along with the SHPO, investigate measures to minimize or avoid that effect. If there are no prudent and feasible alternatives to avoid adverse effects, CityBridge will negotiate mitigation measures with the SHPO and the Consulting Parties. To find that a structure has an adverse effect, it generally must be found to alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that diminishes the integrity of the properties' location, design, setting, materials, workmanship, feeling, or association.

As illustrated below, other possible determinations (e.g., "no historic properties present," "no historic properties affected," or "no adverse effect on historic properties") will not require mitigation measures, and, subject to completion of the consultation process and issuance of any other required documentation or approvals, CityBridge can commence deployment. All possible determinations of effect and their potential outcomes are illustrated in the table below.

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<b><u>Determination by CityBridge</u></b>	<b><u>Potential Outcome Depending on SHPO Action/Inaction</u></b> <i>(Time periods specified below are from the date that CityBridge submits a complete Section 106 Submission Packet for a Link5G to the SHPO.)</i>
No historic properties/No historic properties affected	If the SHPO concurs in writing or takes no action for 35 days, the review is complete.
	If the SHPO submits written notice within 35 days that it disagrees with the determination, CityBridge and the SHPO will engage in further discussions and make a reasonable and good faith effort to resolve their disagreement. If they do not resolve it, they will submit the matter to the FCC for resolution.
No adverse effects on historic properties	If the SHPO concurs in writing within 35 days, the review is complete.
	If the SHPO takes no action for 35 days, CityBridge will submit the Submission Packet to the FCC, which will include all correspondence with the SHPO and any comments or objections received from the public. The Section 106 process will then be complete, unless the FCC notifies CityBridge otherwise within 15 days after the FCC receives the Submission Packet.
	If the SHPO submits written notice within 35 days that it disagrees with the determination, CityBridge and the SHPO will engage in further discussions and make a reasonable and good faith effort to resolve their disagreement. If they do not resolve it, they will submit the matter to the FCC for resolution.
Adverse effects on historic properties	If deployment at a particular site will have an adverse effect, CityBridge will submit a plan to the SHPO designed to avoid, minimize, or mitigate the adverse effect. CityBridge, the SHPO, and Consulting Parties will negotiate a Memorandum of Agreement (MOA). CityBridge will notify ACHP of the adverse effect and invite them to participate in the MOA negotiations. Once mitigation measures are agreed upon and the parties have finalized the MOA language, the FCC will review the MOA and execute it with CityBridge, the SHPO, and Consulting Parties.

### What is the Section 106 review timeline?

Shortly after CityBridge determines the location of a planned new Link5G	CityBridge will mark the proposed location for a Link5G site in the CityBridge website at: <a href="https://citybridgelink5g.azurewebsites.net/">https://citybridgelink5g.azurewebsites.net/</a> . CityBridge will use public feedback (if any) to identify Consulting Parties and historic properties.
<b>15 days prior</b> to filing a Submission Packet with the SHPO	CityBridge will send an initial courtesy notice to relevant Consulting Parties informing them of the planned Link5G location, identifying any historic properties within the site's APE, and directing them to the website to obtain further information about the Link5G. Consulting Parties will be able to submit early comments about the structure on CityBridge's website that identify relevant historic properties and how their character-defining features may be affected by the structure. CityBridge will include Consulting Party comments that do so in CityBridge's Submission Packet for the structure filed with the SHPO.
<b>On day that</b> CityBridge files a Submission Packet with the SHPO	The Submission Packet filing to the SHPO starts the official 30-day review period that the NPA sets for Submission Packet review. Consulting Parties will receive the Submission Packet on the same day. Consulting Parties may submit comments concerning historic preservation during this period on CityBridge's website or through email at <a href="mailto:nepa-nhpa@link.nyc">nepa-nhpa@link.nyc</a> . CityBridge will take Consulting Parties' views into account and submit those comments to the SHPO.
<b>Day 30</b> following Submission Packet filing	The official 30-day review period set forth in the NPA ends, and no further comments may be submitted by Consulting Parties.
<b>Day 35</b> following Submission Packet filing	Although the NPA calls for the Section 106 review period generally to be completed in 30 days, CityBridge and the SHPO have agreed to extend the SHPO's review deadline an additional five days to ensure the SHPO has an opportunity to evaluate all Consulting Party comments—even those filed on Day 30.
<b>After Day 35</b> following Submission Packet filing	If a particular deployment will have an adverse effect, CityBridge will follow the steps outlined in the "adverse effects on historic properties" determination above.

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### How are the historic preservation cumulative effects of a Link5G assessed?

The cumulative effect of Link5Gs proposed within generally 500 feet of any historic property will be assessed together with all previously installed (or simultaneously proposed, if applicable) Link5Gs within generally 500 feet of such historic property(ies). Consulting Parties or members of the public who believe that a deployment's historic preservation cumulative effect extends beyond CityBridge's assessment can provide their comment as part of the Section 106 process.

### What if I have comments about the Link5G program outside the Section 106 review?

Separate from and in addition to Section 106 review, Link5Gs are subject to various review processes and stringent requirements. As a result, there are several different forums in which CityBridge will consider comments about the Link5G deployments. For example, OTI reviews each Link5G location for compliance with numerous local siting criteria governing where Link5Gs can be placed. OTI publishes the proposed locations of Link5G sites on its [Open Data website](#) and notifies the relevant Borough President, Community Board and New York City Council Member of all proposed Link5G deployments.

CityBridge also frequently meets with Community Boards to discuss proposed deployments, and answer questions and consider comments from members of the public. (In some cases, feedback from these meetings on a proposed site may result in CityBridge relocating that site.) If a member of the public has a question or comment regarding a proposed Link5G deployment or about the LinkNYC program in general outside the Section 106 process, CityBridge encourages them to speak with their local Community Board and ask for a meeting to discuss any proposed deployment or the overall program.

Furthermore, CityBridge has on numerous occasions met with the New York City Public Design Commission to obtain approval for the deployment of the Link5G structure. CityBridge expects that it will continue to do so as required. At such times, members of the public would have an opportunity to ask questions and provide comments on the Link5G structure.

Moreover, proposed Link5G deployments in areas designated as historical areas by the New York Landmarks Preservation Commission (LPC) are subject to LPC review prior to deployment. Members of the public have the opportunity to comment on such deployments at the time of such review by the LPC.

CityBridge regularly receives and responds to inquiries about the LinkNYC program at [info@link.nyc](mailto:info@link.nyc). CityBridge strives to respond to all comments it receives and to provide as much relevant information as possible in response to questions.

### What other resources about Link5G deployments and the Section 106 process are available?

- The FCC hosts a [Tower and Antenna Siting webpage](#) that provides further information about the application of the FCC's rules to structures that support cellular and other antennas, including small cells, as well as a [Q&A](#) on the public's involvement in the Section 106 process.
- The Advisory Council on Historic Preservation maintains a [website](#) on the Section 106 process and published a [brochure](#) entitled *A Citizen's Guide to Section 106 Review*.
- Potential Consulting Parties can learn more about what constitutes a historic property and what constitutes an adverse effect on a historic property by reviewing this guide issued by the U.S. Department of the Interior: [National Register of Historic Places Areas of Significance and the Seven Aspects of Integrity](#).
- The federal regulations establishing the criteria for determining whether an adverse effect exists can be found [here](#).