

PSAB LEGISLATIVE ACTION ALERT

Over the last several years, wireless companies have been installing towers and antennas, known as Distributed Antenna Systems (DAS), in the public rights-of-way. DAS towers range in height from 25 to 125 feet. Municipalities currently have significant zoning authority over the “placement, construction, and modification” of these towers and antennas. *This zoning authority is crucial to preserving municipal rights-of-way and the character of our communities.*

House Bill 1620, entitled the “Wireless Infrastructure Deployment” (WID) bill, was introduced in June 2017 and referred to the House Consumer Affairs Committee.

House Bill 1620, if enacted, would have the following adverse effects:

- The bill would strip Pennsylvania municipalities of all of their zoning authority over wireless antennas and equipment in the public rights-of-way. It would also prevent the public from being allowed to comment during the approval process.
- The bill would strip municipalities of most of their authority over wireless towers in the rights-of-way. While one section of the bill states that municipalities have zoning rights over towers taller than 50 feet (or more than 10 feet taller than the highest utility pole within 500 feet), other sections of the bill restrict municipal rights over these towers.
- The bill would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the rights-of-way, including full indemnification, bonding, and insurance coverage.
- The bill would severely limit the assessment of fees for wireless facilities in the rights-of-way. The bill includes six separate provisions on fees. They are inconsistent, but the bottom line is that municipalities could only charge minimal fees that would typically be less than actual municipal costs.
- The bill would curtail the state-mandated time frame from *30 days to 10 days for initial review of wireless facility applications such that municipalities would be unable to perform these reviews in time.*
- The bill would allow wireless providers to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval.
- The bill would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence for drafting a wireless ordinance that is in violation of the WID Act.

On August 7, 2017, **PSAB**, along with the other state municipal associations, sent a letter to the sponsors of HB 1620 opposing the legislation. The letter notes that “Pennsylvania municipalities are charged by state law with the oversight and maintenance of the health, safety, and welfare of their residents. This includes the maintenance of perhaps the most important physical asset of every municipality, namely the public rights-of-way.” While we support the deployment of wireless broadband service, the installation of wireless facilities must be done “in an orderly fashion that preserves public safety and protects the public rights-of-way.”

The letter concludes by stating that Pennsylvania municipalities “cannot and will not surrender their right to manage their public rights-of-way or to use their zoning authority to promote orderly development and preserve the integrity of their communities.”

PSAB Government Affairs is requesting your assistance in opposing HB 1620.

- 1) Adopt the sample resolution opposing HB 1620;
- 2) Send a copy of the resolution to your State Representative and State Senator to express your opposition to HB 1620;
- 3) Send a copy to your local newspaper;
- 4) Send a copy to PSAB to actnow@boroughs.org ;
- 5) Make a personal contact by phone or visit to your State Representative and State Senator expressing your opposition to HB 1620.

If you have further questions on the bill, please contact Ed Troxell at 1-800-232-7722 ext 1021 or e-mail at etroxell@boroughs.org OR Ron Grutza at ext 1044 or e-mail rgrutza@boroughs.org .