

PA House Bill 1620 Would Strip Municipalities of Their Zoning Rights Over Wireless Towers and Antennae in the Rights-of-Way

PA House Bill 1620, which is entitled the “Wireless Infrastructure Deployment” (WID) bill, was recently introduced by six State Representatives: Nick Miccarelli, Frank Farry, Dominic Costa, Pam Snyder, Gene DiGirolamo, and Thomas Murt. 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.

If enacted, HB 1620 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 shorten the time frame from 30 days to 10 days for initial review of wireless applications such that municipalities would be unable to perform these reviews in time.

On August 7, 2017, the Pennsylvania state municipal associations (PSATS, PLM, PSAB, and PSATC) sent a letter to the sponsors of HB 1620 opposing the legislation. **We have drafted a sample resolution ([click here](#)) opposing HB 1620 for local government bodies to consider approving. If your City Council, Township Board, or Borough Council passes the resolution, please send it to your state representative(s) and state senator. Please also send it to Dan Cohen at dcohen@cohenlawgroup.org or 413 S. Main St., Pittsburgh, PA 15215. Thank you.**