
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1345 Session of
2011

INTRODUCED BY FOLMER, SOLOBAY AND ROBBINS, NOVEMBER 22, 2011

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, NOVEMBER 22, 2011

AN ACT

1 Providing for streamlined procedures for reviewing applications for
2 the modification or collocation of wireless communications
3 facilities and wireless support structures.

4 The General Assembly of the Commonwealth of Pennsylvania hereby
5 enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Wireless Broadband
8 Collocation Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall have
11 the meanings given to them in this section unless the context clearly
12 indicates otherwise:

13 "Accessory equipment." Any equipment serving or being used in
14 conjunction with a wireless facility or wireless support structure
15 including, but not limited to, utility or transmission equipment,
16 power supplies, generators, batteries, cables, equipment buildings,
17 cabinets and storage sheds, shelters or similar structures.

18 "Antenna." Communications equipment that transmits and receives
19 electromagnetic radio signals used in the provision of all types of

1 wireless communication services.

2 "Application." A formal request submitted to the local governing
3 authority to construct or modify a wireless support structure or a
4 wireless facility. An application shall be deemed complete when all
5 documents, information and fees specifically enumerated in the local
6 governing authority's regulations, ordinances and forms pertaining to
7 the location, construction, modification or operation of wireless
8 facilities are submitted by the applicant to the authority.

9 "Collocation." The placement or installation of new wireless
10 facilities on previously approved and constructed wireless support
11 structures, including monopoles and towers, both self-supporting and
12 guyed, in a manner that negates the need to construct a new
13 freestanding wireless support structure. The term includes the
14 placement of accessory equipment within an existing equipment
15 compound.

16 "Equipment compound." An area surrounding or adjacent to the base
17 of a wireless support structure within which accessory equipment is
18 located.

19 "Local governing authority." A municipality or a municipal
20 authority, as defined by the act of July 31, 1968 (P.L.805, No.247),
21 known as the Pennsylvania Municipalities Planning Code, that has
22 adopted land use or zoning regulations for all or the majority of land
23 uses within its jurisdiction or has adopted separate regulations
24 pertaining to the location, construction, modification or operation of
25 wireless facilities.

26 "Modification" or "modify." The improvement, upgrade, expansion or
27 replacement of existing wireless facilities on an existing wireless
28 support structure or within an existing equipment compound, provided
29 the improvement, upgrade, expansion or replacement does not increase
30 the height of the wireless support structure or increase the

1 dimensions of the equipment compound.

2 "Wireless facility." The set of equipment and network components,
3 exclusive of the underlying wireless support structure, including
4 antennas, transmitters, receivers, base stations, power supplies,
5 cabling and accessory equipment, used to provide wireless data and
6 telecommunication services.

7 "Wireless support structure." A freestanding structure, such as a
8 monopole, tower, either guyed or self-supporting, or suitable existing
9 or alternative structure designed to support or capable of supporting
10 wireless facilities. The term shall not include any electrical utility
11 pole or tower used for the distribution or transmission of electrical
12 service.

13 Section 3. Regulation of wireless telecommunications support
14 structures.

15 (a) General authority.--A local governing authority that has
16 adopted planning and zoning regulations may plan for and regulate
17 wireless support structures in accordance with locally adopted land
18 use planning or zoning regulations and the provisions of this section.

19 (b) Limitations.--A local governing authority that has adopted
20 zoning ordinances and land use regulations for the placement of
21 wireless support structures shall not place any additional requirement
22 on the applicant that has the force or effect of:

23 (1) Regulating the placement of an antenna or related
24 equipment for an existing wireless support structure; provided,
25 however, if the placement of an antenna on an existing wireless
26 telecommunications support structure requires an extension, the
27 placement may be regulated by a local governing authority if the
28 extension would require the wireless support structure to have
29 lighting or the extension exceeds the height limitation of the
30 authority.

1 (2) Imposing additional costs or operating restrictions on an
2 applicant for the collocation of new wireless facilities unless the
3 support structure is owned by the local governing authority. For
4 the purposes of this section, collocation shall not be deemed an
5 expansion.

6 (3) Requiring the applicant to provide any sort of
7 justification for radio frequency need.

8 (4) Acting to prohibit or have the effect of prohibiting the
9 provision of personal wireless services.

10 Section 4. Streamlined processing of applications.

11 (a) General rule.--An application for collocation or modification
12 of a wireless facility entitled to streamlined processing under this
13 section shall be reviewed for conformance with the local governing
14 authority's applicable site plan and building permit requirements,
15 including zoning and land use conformity, but shall not otherwise be
16 subject to the issuance of additional zoning, land use or special use
17 permit approvals beyond the initial zoning, land use or special permit
18 approvals issued for the wireless support structure or wireless
19 facility. Previously approved wireless support structures and wireless
20 facilities can be modified or accept collocations without additional
21 zoning or land use review beyond what is required by the local
22 governing authority for the issuance of building or electrical
23 permits.

24 (b) Requirements.--The streamlined process set forth in this
25 section shall apply to applications for all modifications and
26 applications for proposed collocations that meet the following
27 requirements:

28 (1) the proposed collocation shall not increase the overall
29 height or width of the wireless support structure to which the
30 wireless facilities are to be attached;

1 (2) the proposed collocation shall not increase the
2 dimensions of the equipment compound approved by the local
3 governing authority;

4 (3) the proposed collocation shall comply with applicable
5 conditions of approval, if any, applied to the initial wireless
6 facilities and wireless support structure, and subsequently adopted
7 amendments to the conditions of approval; and

8 (4) the proposed collocation shall not exceed the applicable
9 weight limits for the wireless support structure, as demonstrated
10 by a letter from a structural engineer licensed to practice in this
11 Commonwealth.

12 (c) Review.--A local governing authority's review of an
13 application to modify or collocate wireless facilities on an existing
14 wireless support structure shall not include:

15 (1) An evaluation of the technical, business or service
16 characteristics of the proposed wireless facilities.

17 (2) A requirement that an applicant submit radio frequency
18 analyses, unless needed to ensure the proposed wireless facilities
19 will not interfere with emergency communications.

20 (3) Any other documentation intended to:

21 (i) demonstrate the proposed service characteristics of
22 the proposed wireless facilities;

23 (ii) illustrate the need for the wireless facilities; or

24 (iii) justify the business decision to collocate the
25 wireless facilities.

26 (d) Application decisions.--Within 90 calendar days of the date an
27 application for modification or collocation of wireless facilities is
28 filed with the local governing authority, unless another date is
29 specified in a written agreement between the local governing authority
30 and the applicant, the local governing authority shall:

1 (1) make its final decision to approve or disapprove the
2 application; and

3 (2) advise the applicant in writing of its final decision.

4 (e) Deficient applications.--Within 30 calendar days of the date
5 an application for modification or collocation is filed with the local
6 governing authority, the local governing authority shall notify the
7 applicant in writing of any information required to complete the
8 application. To the extent additional information is required to
9 complete the application, the time required by the applicant to
10 provide the information shall not be counted toward the 90 calendar
11 day review period under subsection (d) of this act.

12 Section 5. Enforcement.

13 A person adversely affected by a final action or failure to act by
14 a local governing authority or a wireless facilities provider that is
15 inconsistent with the provisions of this act, may, within 30 days
16 after the action or failure to act, commence an action in any court of
17 competent jurisdiction, which shall hear and decide the action on an
18 expedited basis.

19 Section 6. Preservation of local governing authority.

20 Notwithstanding any other provision of law, nothing in this act may
21 be construed to limit or preempt the scope of a local governing
22 authority's review of zoning, land use or permitting applications for
23 the siting of wireless facilities or wireless support structures or to
24 require a local governing authority to exercise its zoning power, as
25 provided for in the act of July 31, 1968 (P.L.805, No.247), known as
26 the Pennsylvania Municipalities Planning Code.

27 Section 7. Effective date.

28 This act shall take effect in 60 days.