

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1345 Session of 2011

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

SENATOR FOLMER, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, JUNE 13, 2012

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

1 ~~electromagnetic radio signals used in the provision of all types of~~  
2 ~~wireless communication services.~~

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

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

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

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

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

1 ~~the height of the wireless support structure or increase the~~  
2 ~~dimensions of the equipment compound.~~

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

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

14 ~~Section 3. Regulation of wireless telecommunications support~~  
15 ~~structures.~~

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

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

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

1 authority.

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

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

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

11 ~~Section 4. Streamlined processing of applications.~~

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

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

29 ~~(1) the proposed collocation shall not increase the overall~~  
30 ~~height or width of the wireless support structure to which the~~

1 ~~wireless facilities are to be attached;~~

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

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

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

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

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

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

21 ~~(3) Any other documentation intended to:~~

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

24 ~~(ii) illustrate the need for the wireless facilities; or~~

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

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

1 and the applicant, the local governing authority shall:

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

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

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

13 Section 5. Enforcement.

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

20 Section 6. Preservation of local governing authority.

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

28 Section 7. Effective date.

29 ~~This act shall take effect in 60 days.~~

30 SECTION 2. DEFINITIONS.



1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
2 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "ACCESSORY EQUIPMENT." ANY EQUIPMENT SERVING OR BEING USED  
5 IN CONJUNCTION WITH A WIRELESS TELECOMMUNICATIONS FACILITY OR  
6 WIRELESS SUPPORT STRUCTURE. THE TERM INCLUDES UTILITY OR  
7 TRANSMISSION EQUIPMENT, POWER SUPPLIES, GENERATORS, BATTERIES,  
8 CABLES, EQUIPMENT BUILDINGS, CABINETS AND STORAGE SHEDS,  
9 SHELTERS OR SIMILAR STRUCTURES.

10 "ANTENNA." TELECOMMUNICATIONS EQUIPMENT THAT TRANSMITS AND  
11 RECEIVES ELECTROMAGNETIC RADIO SIGNALS USED IN THE PROVISION OF  
12 ALL TYPES OF WIRELESS TELECOMMUNICATIONS SERVICES.

13 "APPLICATION." A FORMAL REQUEST SUBMITTED TO THE  
14 MUNICIPALITY TO MODIFY A WIRELESS SUPPORT STRUCTURE, EQUIPMENT  
15 COMPOUND OR A WIRELESS TELECOMMUNICATIONS FACILITY.

16 "BASE STATION." A STATION AT A SPECIFIED SITE AUTHORIZED TO  
17 COMMUNICATE WITH MOBILE STATIONS, GENERALLY CONSISTING OF RADIO  
18 TRANSCEIVERS, ANTENNAS, COAXIAL CABLES, POWER SUPPLIES AND OTHER  
19 ASSOCIATED ELECTRONICS.

20 "COLLOCATION." THE PLACEMENT OR INSTALLATION OF NEW WIRELESS  
21 TELECOMMUNICATIONS FACILITIES ON PREVIOUSLY APPROVED AND  
22 CONSTRUCTED WIRELESS SUPPORT STRUCTURES, INCLUDING SELF-  
23 SUPPORTING OR GUYED MONOPOLES AND TOWERS, ELECTRICAL  
24 TRANSMISSION TOWERS, WATER TOWERS OR ANY OTHER STRUCTURE NOT  
25 CLASSIFIED AS A WIRELESS SUPPORT STRUCTURE THAT CAN SUPPORT THE  
26 PLACEMENT OR INSTALLATION OF WIRELESS TELECOMMUNICATIONS  
27 FACILITIES IF APPROVED BY THE MUNICIPALITY. THE TERM INCLUDES  
28 THE PLACEMENT, REPLACEMENT OR MODIFICATION OF ACCESSORY  
29 EQUIPMENT WITHIN A PREVIOUSLY APPROVED EQUIPMENT COMPOUND.

30 "ELECTRICAL TRANSMISSION TOWER." AN ELECTRICAL TRANSMISSION

1 STRUCTURE USED TO SUPPORT OVERHEAD POWER LINES CONSISTING OF 69  
2 KILOVOLT OR GREATER CONDUCTING LINES, GENERALLY OF STEEL  
3 CONSTRUCTION AND HAVING A HEIGHT OF AT LEAST 75 FEET. THE TERM  
4 SHALL NOT INCLUDE ANY UTILITY POLE HAVING A HEIGHT OF LESS THAN  
5 75 FEET.

6 "EQUIPMENT COMPOUND." AN AREA SURROUNDING OR ADJACENT TO A  
7 WIRELESS SUPPORT STRUCTURE WITHIN WHICH BASE STATIONS, POWER  
8 SUPPLIES OR ACCESSORY EQUIPMENT ARE LOCATED.

9 "JUDICIARY ACT REPEALER ACT." THE ACT OF APRIL 28, 1978  
10 (P.L.202, NO.53), KNOWN AS THE JUDICIARY ACT REPEALER ACT.

11 "MODIFICATION" OR "MODIFY." THE IMPROVEMENT, UPGRADE OR  
12 EXPANSION OF EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES OR  
13 BASE STATIONS ON AN EXISTING WIRELESS SUPPORT STRUCTURE OR THE  
14 IMPROVEMENT, UPGRADE OR EXPANSION OF THE WIRELESS  
15 TELECOMMUNICATIONS FACILITIES LOCATED WITHIN AN EXISTING  
16 EQUIPMENT COMPOUND, IF THE IMPROVEMENT, UPGRADE, EXPANSION OR  
17 REPLACEMENT DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL  
18 DIMENSIONS OF THE WIRELESS SUPPORT STRUCTURE.

19 "MUNICIPALITY." ANY CITY OF THE FIRST, SECOND, SECOND CLASS  
20 A OR THIRD CLASS, BOROUGH, INCORPORATED TOWN, TOWNSHIP OF THE  
21 FIRST OR SECOND CLASS, COUNTY OF THE SECOND CLASS THROUGH EIGHTH  
22 CLASS, HOME RULE MUNICIPALITY OR ANY SIMILAR GENERAL PURPOSE  
23 UNIT OF GOVERNMENT WHICH SHALL HEREAFTER BE CREATED BY THE  
24 GENERAL ASSEMBLY THAT HAS ADOPTED LAND USE OR ZONING  
25 REGULATIONS.

26 "PENNSYLVANIA MUNICIPALITIES PLANNING CODE." THE ACT OF JULY  
27 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA  
28 MUNICIPALITIES PLANNING CODE.

29 "REPLACEMENT." THE REPLACEMENT OF EXISTING WIRELESS  
30 TELECOMMUNICATIONS FACILITIES ON AN EXISTING WIRELESS SUPPORT



1 STRUCTURE OR WITHIN AN EXISTING EQUIPMENT COMPOUND DUE TO  
2 MAINTENANCE, REPAIR OR TECHNOLOGICAL ADVANCEMENT WITH EQUIPMENT  
3 COMPOSED OF THE SAME WIND LOADING AND STRUCTURAL LOADING THAT IS  
4 SUBSTANTIALLY SIMILAR IN SIZE, WEIGHT AND HEIGHT AS THE WIRELESS  
5 TELECOMMUNICATIONS FACILITIES INITIALLY INSTALLED AND THAT DOES  
6 NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE EXISTING  
7 WIRELESS SUPPORT STRUCTURE.

8 "SUBSTANTIAL CHANGE" OR "SUBSTANTIALLY CHANGE."

9 (1) ANY INCREASE IN THE HEIGHT OF THE WIRELESS SUPPORT  
10 STRUCTURE BY MORE THAN 10%, OR BY THE HEIGHT OF ONE  
11 ADDITIONAL ANTENNA ARRAY WITH SEPARATION FROM THE NEAREST  
12 EXISTING ANTENNA NOT TO EXCEED 20 FEET, WHICHEVER IS GREATER,  
13 EXCEPT THAT THE MOUNTING OF THE PROPOSED WIRELESS  
14 TELECOMMUNICATIONS FACILITY MAY EXCEED THE SIZE LIMITS SET  
15 FORTH IN THIS PARAGRAPH IF NECESSARY TO AVOID INTERFERENCE  
16 WITH EXISTING ANTENNAS.

17 (2) ANY FURTHER INCREASE IN THE HEIGHT OF A WIRELESS  
18 SUPPORT STRUCTURE WHICH HAS ALREADY BEEN EXTENDED BY MORE  
19 THAN 10% OF ITS ORIGINALLY APPROVED HEIGHT OR BY THE HEIGHT  
20 OF ONE ADDITIONAL ANTENNA ARRAY IN ACCORDANCE WITH THE  
21 PROVISIONS OF THIS ACT SHALL NOT OCCUR WITHOUT MUNICIPAL  
22 APPROVAL.

23 "WATER TOWER." A STANDPIPE OR AN ELEVATED TANK SITUATED ON A  
24 SUPPORT STRUCTURE, BOTH OF WHICH SHALL BE CONSTRUCTED OF STEEL,  
25 HAVE A HEIGHT OF AT LEAST 75 FEET AND BE USED AS A RESERVOIR OR  
26 FACILITY TO DELIVER WATER.

27 "WIRELESS SUPPORT STRUCTURE." A FREESTANDING STRUCTURE, SUCH  
28 AS A GUYED OR SELF-SUPPORTING MONOPOLE OR TOWER, ELECTRICAL  
29 TRANSMISSION TOWER, WATER TOWER OR OTHER STRUCTURE NOT  
30 CLASSIFIED AS A WIRELESS SUPPORT STRUCTURE, THAT COULD SUPPORT

1 THE PLACEMENT OR INSTALLATION OF WIRELESS TELECOMMUNICATIONS  
2 FACILITIES IF APPROVED BY THE MUNICIPALITY.

3 "WIRELESS TELECOMMUNICATIONS FACILITY." THE SET OF EQUIPMENT  
4 AND NETWORK COMPONENTS, INCLUDING ANTENNAS, TRANSMITTERS,  
5 RECEIVERS, BASE STATIONS, CABLING AND ACCESSORY EQUIPMENT, USED  
6 TO PROVIDE WIRELESS DATA AND TELECOMMUNICATIONS SERVICES. THE  
7 TERM SHALL NOT INCLUDE THE WIRELESS SUPPORT STRUCTURE.

8 SECTION 3. REGULATION OF WIRELESS SUPPORT STRUCTURES.

9 (A) LIMITATIONS.--MUNICIPALITIES THAT HAVE ADOPTED ZONING  
10 ORDINANCES AND LAND USE REGULATIONS FOR THE PLACEMENT OF  
11 WIRELESS SUPPORT STRUCTURES MAY NOT REQUIRE ANY ADDITIONAL  
12 REQUIREMENTS ON THE APPLICANT FOR THE COLLOCATION ON A WIRELESS  
13 SUPPORT STRUCTURE OR THE MODIFICATION OF A WIRELESS  
14 TELECOMMUNICATIONS FACILITY THAT HAS THE FORCE OR EFFECT OF:

15 (1) REGULATING THE COLLOCATION, REPLACEMENT OR  
16 MODIFICATION OF ANTENNAS, ACCESSORY EQUIPMENT OR WIRELESS  
17 TELECOMMUNICATIONS FACILITIES UPON AN EXISTING WIRELESS  
18 SUPPORT STRUCTURE OR WITHIN AN EXISTING EQUIPMENT COMPOUND.

19 (2) IMPOSING ADDITIONAL COSTS, EXCEPT THE APPROPRIATE  
20 AND REASONABLE PERMIT FEES, OR OPERATING RESTRICTIONS ON AN  
21 APPLICANT FOR THE REPLACEMENT, COLLOCATION OR MODIFICATION OF  
22 WIRELESS TELECOMMUNICATIONS FACILITIES UPON EXISTING WIRELESS  
23 SUPPORT STRUCTURES OR WITHIN EXISTING EQUIPMENT COMPOUNDS.

24 (3) REQUIRING PAYMENT OF A ZONING PERMIT FEE TO  
25 ACCOMPANY ANY APPLICATION, THE AMOUNT OF WHICH FEE IS IN  
26 EXCESS OF THE MUNICIPALITY'S ACTUAL, REASONABLE COSTS TO  
27 REVIEW AND PROCESS THE APPLICATION OR \$1,000, WHICHEVER IS  
28 LESS.

29 (4) REQUIRING AN APPLICANT TO PROVIDE JUSTIFICATION FOR  
30 RADIO FREQUENCY NEED.

1 (5) ACTING TO PROHIBIT OR HAVE THE EFFECT OF PROHIBITING  
2 THE PROVISION OF MOBILE SERVICE AS PROVIDED IN 47 U.S.C. §332  
3 (C) (7) (B) (I) (RELATING TO REGULATORY TREATMENT OF MOBILE  
4 SERVICES) .

5 (6) REQUIRING AN APPLICANT TO JUSTIFY THE NEED FOR OR  
6 THE TECHNICAL, BUSINESS OR SERVICE CHARACTERISTICS OF THE  
7 PROPOSED WIRELESS TELECOMMUNICATIONS FACILITIES.

8 (B) (RESERVED) .

9 SECTION 4. PROCESSING OF APPLICATIONS.

10 (A) GENERAL RULE.--NOTWITHSTANDING THE PENNSYLVANIA  
11 MUNICIPALITIES PLANNING CODE OR OTHER LAND USE OR ZONING  
12 ORDINANCES OR REGULATIONS, AN APPLICATION FOR REPLACEMENT,  
13 COLLOCATION OR MODIFICATION OF A WIRELESS TELECOMMUNICATIONS  
14 FACILITY OR WIRELESS SUPPORT STRUCTURE ENTITLED TO PROCESSING  
15 UNDER THIS SECTION SHALL BE REVIEWED FOR CONFORMANCE WITH THE  
16 MUNICIPALITY'S APPLICABLE BUILDING PERMIT REQUIREMENTS,  
17 INCLUDING REQUIREMENTS APPLICABLE TO THE ADDED STRUCTURAL  
18 LOADING OF THE PROPOSED ANTENNAS AND ACCESSORY EQUIPMENT, BUT  
19 SHALL NOT BE SUBJECT TO THE ISSUANCE OF NEW ZONING OR LAND USE  
20 APPROVALS OR REVIEW BEYOND THE INITIAL ZONING OR LAND USE  
21 APPROVALS ISSUED FOR THE PREVIOUSLY APPROVED WIRELESS SUPPORT  
22 STRUCTURE OR WIRELESS TELECOMMUNICATIONS FACILITY. REPLACEMENT  
23 OF WIRELESS TELECOMMUNICATIONS FACILITIES ON EXISTING WIRELESS  
24 SUPPORT STRUCTURES OR WITHIN EXISTING EQUIPMENT COMPOUNDS MAY BE  
25 PERFORMED BY THE APPLICANT WITHOUT OBTAINING BUILDING OR ZONING  
26 PERMITS FROM THE MUNICIPALITY.

27 (B) APPLICATIONS.--AN APPLICATION SHALL BE DEEMED COMPLETE  
28 WHEN ALL DOCUMENTS, INFORMATION AND FEES SPECIFICALLY ENUMERATED  
29 IN THE MUNICIPALITY'S REGULATIONS, ORDINANCES AND FORMS  
30 PERTAINING TO THE LOCATION, MODIFICATION OR OPERATION OF

1 WIRELESS TELECOMMUNICATIONS FACILITIES ARE SUBMITTED BY THE  
2 APPLICANT TO THE MUNICIPALITY. THE FOLLOWING SHALL APPLY:

3 (1) WITHIN 30 CALENDAR DAYS OF THE DATE AN APPLICATION  
4 FOR MODIFICATION OR COLLOCATION IS FILED WITH THE  
5 MUNICIPALITY, THE MUNICIPALITY SHALL NOTIFY THE APPLICANT IN  
6 WRITING OF ANY INFORMATION REQUIRED TO COMPLETE THE  
7 APPLICATION. IF ADDITIONAL INFORMATION IS REQUIRED TO  
8 COMPLETE THE APPLICATION, THE TIME REQUIRED BY THE APPLICANT  
9 TO PROVIDE THE INFORMATION SHALL NOT BE COUNTED TOWARD THE 90  
10 CALENDAR DAY REVIEW PERIOD UNDER PARAGRAPH (2).

11 (2) WITHIN 90 CALENDAR DAYS OF THE DATE AN APPLICATION  
12 FOR MODIFICATION OR COLLOCATION OF A WIRELESS  
13 TELECOMMUNICATIONS FACILITY IS FILED WITH THE MUNICIPALITY,  
14 UNLESS ANOTHER DATE IS SPECIFIED IN A WRITTEN AGREEMENT  
15 BETWEEN THE MUNICIPALITY AND THE APPLICANT, THE MUNICIPALITY  
16 SHALL DO ALL OF THE FOLLOWING:

17 (I) MAKE ITS FINAL DECISION TO APPROVE THE  
18 APPLICATION.

19 (II) ADVISE THE APPLICANT IN WRITING OF ITS FINAL  
20 DECISION.

21 (3) IF THE MUNICIPALITY FAILS TO ACT UPON AN APPLICATION  
22 FOR THE MODIFICATION OR COLLOCATION OF WIRELESS  
23 TELECOMMUNICATIONS FACILITIES WITHIN 90 CALENDAR DAYS AS  
24 PROVIDED UNDER PARAGRAPH (2), THE APPLICATION SHALL BE DEEMED  
25 APPROVED. IF A MUNICIPALITY HAS ADVISED THE APPLICANT IN  
26 WRITING THAT ADDITIONAL INFORMATION IS REQUIRED TO COMPLETE  
27 THE APPLICATION PURSUANT TO PARAGRAPH (1), THE TIME REQUIRED  
28 BY THE APPLICANT TO PROVIDE THE INFORMATION SHALL NOT BE  
29 COUNTED TOWARD THE 90-DAY PERIOD WITHIN WHICH THE  
30 MUNICIPALITY'S FAILURE TO ACT SHALL RESULT IN A DEEMED

1 APPROVAL.

2 (C) REQUIREMENTS.--THE PROCESS UNDER THIS SECTION SHALL APPLY  
3 TO ALL APPLICATIONS FOR MODIFICATION, REPLACEMENT AND  
4 COLLOCATION THAT MEET ALL OF THE FOLLOWING REQUIREMENTS:

5 (1) THE PROPOSED COLLOCATION, MODIFICATION OR  
6 REPLACEMENT MAY NOT SUBSTANTIALLY CHANGE THE PHYSICAL  
7 DIMENSIONS OF THE WIRELESS SUPPORT STRUCTURE TO WHICH THE  
8 WIRELESS TELECOMMUNICATIONS FACILITIES ARE TO BE ATTACHED.

9 (2) THE PROPOSED COLLOCATION, MODIFICATION OR  
10 REPLACEMENT MAY NOT FURTHER INCREASE THE HEIGHT OF A WIRELESS  
11 SUPPORT STRUCTURE WHICH HAD ALREADY BEEN EXTENDED BY MORE  
12 THAN 10% OF ITS ORIGINALLY APPROVED HEIGHT OR BY THE HEIGHT  
13 OF ONE ADDITIONAL ANTENNA ARRAY; PROVIDED, HOWEVER, THAT  
14 NOTHING HEREIN SHALL PRECLUDE AN APPLICANT FROM FURTHER  
15 INCREASING THE HEIGHT OF A WIRELESS SUPPORT STRUCTURE WHICH  
16 HAD ALREADY BEEN EXTENDED BY MORE THAN 10% OF ITS ORIGINALLY  
17 APPROVED HEIGHT OR BY THE HEIGHT OF ONE ADDITIONAL ANTENNA  
18 ARRAY IF PERMITTED AND APPROVED BY THE MUNICIPALITY.

19 (3) THE PROPOSED COLLOCATION, MODIFICATION OR  
20 REPLACEMENT MAY NOT INCREASE THE DIMENSIONS OF THE EQUIPMENT  
21 COMPOUND APPROVED BY THE MUNICIPALITY.

22 (4) THE PROPOSED COLLOCATION, MODIFICATION OR  
23 REPLACEMENT COMPLIES WITH APPLICABLE CONDITIONS OF APPROVAL  
24 APPLIED TO THE INITIAL WIRELESS TELECOMMUNICATIONS  
25 FACILITIES, EQUIPMENT COMPOUND AND WIRELESS SUPPORT  
26 STRUCTURE.

27 (5) THE PROPOSED COLLOCATION, MODIFICATION OR  
28 REPLACEMENT MAY NOT EXCEED THE APPLICABLE WIND LOADING AND  
29 STRUCTURAL LOADING REQUIREMENTS FOR THE WIRELESS SUPPORT  
30 STRUCTURE.

1 SECTION 5. ENFORCEMENT.

2 (A) APPEAL.--ANY PERSON ADVERSELY AFFECTED BY ANY FINAL  
3 ACTION OR FAILURE TO ACT BY A MUNICIPALITY THAT IS INCONSISTENT  
4 WITH THE PROVISIONS OF THIS ACT MAY, WITHIN 30 DAYS AFTER THE  
5 ACTION OR FAILURE TO ACT, COMMENCE AN ACTION OR AN APPEAL IN THE  
6 COURT OF COMMON PLEAS OF THE COUNTY WHERE THE WIRELESS SUPPORT  
7 STRUCTURE AND WIRELESS TELECOMMUNICATIONS FACILITY IS LOCATED.

8 (B) HEARING.--THE COURT SHALL HEAR AND DECIDE THE ACTION ON  
9 AN EXPEDITED BASIS AND IN ACCORDANCE WITH THE PROCEDURES  
10 ESTABLISHED BY THE MUNICIPALITIES PLANNING CODE, 2 PA.C.S. CHS.  
11 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH  
12 AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF  
13 COMMONWEALTH AGENCY ACTION) OR THE JUDICIARY ACT REPEALER ACT,  
14 AS THE CASE MAY BE, FOR THE DISPOSITION OF LAND USE APPEALS.

15 SECTION 6. PRESERVATION OF LOCAL GOVERNING AUTHORITY.

16 NOTWITHSTANDING ANY OTHER LAW, NOTHING IN THIS ACT SHALL BE  
17 CONSTRUED TO:

18 (1) LIMIT OR PREEMPT THE SCOPE OF A MUNICIPALITY'S  
19 REVIEW OF ZONING, LAND USE OR PERMIT APPLICATIONS FOR THE  
20 SITING OF WIRELESS SUPPORT STRUCTURES.

21 (2) PREVENT A MUNICIPALITY FROM EXERCISING ITS ZONING  
22 POWER, AS PROVIDED FOR UNDER THE PENNSYLVANIA MUNICIPALITIES  
23 PLANNING CODE, MUNICIPAL CHARTER, MUNICIPAL ENABLING ACT OR  
24 OTHER ZONING OR LAND USE ORDINANCE OR REGULATION.

25 (3) PREVENT A MUNICIPALITY FROM REGULATING ANY  
26 MODIFICATION OR COLLOCATION THAT SUBSTANTIALLY CHANGES AN  
27 EXISTING WIRELESS SUPPORT STRUCTURE THAT IS INCONSISTENT WITH  
28 THIS ACT.

29 SECTION 7. EFFECTIVE DATE.

30 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.