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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 305 Session of  
2019

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INTRODUCED BY SNYDER, T. DAVIS, IRVIN, SCHLOSSBERG, MURT, JAMES,  
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LONGIETTI, BIZZARRO AND MARKOSEK, FEBRUARY 1, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 1, 2019

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AN ACT

1 Providing for an inventory of State-owned communications assets  
2 and the use of communication towers for the development of  
3 wireless broadband services in unserved areas and underserved  
4 areas of this Commonwealth.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the  
9 Communications Assets and Wireless Broadband Services Act.

10 Section 2. Definitions.

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

14 "Department." The Department of General Services of the  
15 Commonwealth.

16 "Qualified provider." A provider of wireless broadband  
17 service that has obtained all governmental approvals required  
18 for the provision of wireless broadband service in the unserved

1 area or underserved area in which it seeks to provide the  
2 service.

3 "Secretary." The Secretary of General Services of the  
4 Commonwealth.

5 "Underserved area." An area within this Commonwealth that is  
6 demonstrated to not have access to fixed broadband services at  
7 25 megabits per second download and 3 megabits per second upload  
8 and also lacks access to mobile broadband services.

9 "Unserved area." An area within this Commonwealth that is  
10 demonstrated to not have access to fixed broadband services or  
11 mobile broadband service.

12 "Wireless broadband service." An Internet connection service  
13 capable of transmitting information at a rate that is not less  
14 than 256 kilobits per second in at least one direction using a  
15 wireless link between a fixed location and the Internet service  
16 provider's facility. The term does not include wireless fidelity  
17 technology used in conjunction with dedicated subscriber line  
18 service or cable service to connect devices within a facility to  
19 the Internet via a broadband connection.

20 Section 3. Inventory of State-owned assets.

21 The department shall conduct an annual inventory of all  
22 communication towers, poles, buildings, facilities and other  
23 assets owned by a State department, agency, board, commission or  
24 other entity and shall leverage existing State-owned assets for  
25 the provision of high-speed broadband to unserved areas and  
26 underserved areas. The inventory shall be made publicly  
27 available to persons or private entities desirous of installing  
28 or collocating wireless facilities to provide high-speed  
29 broadband services within this Commonwealth.

30 Section 4. Lease or conveyance of communication towers.

1 (a) Duty of State entity.--Notwithstanding any provision of  
2 law to the contrary and subject to guidelines adopted by the  
3 department, a State department, agency, board, commission or  
4 other entity having responsibility for a State-owned  
5 communication tower in an unserved area or underserved area may  
6 lease or convey a license or other interest in the communication  
7 tower to a qualified provider in order to permit the use of the  
8 communication tower by the qualified provider in the deployment  
9 of wireless broadband service within the unserved area or  
10 underserved area or portion of that unserved area or underserved  
11 area.

12 (b) Required information.--The requirement under subsection  
13 (a) is subject to the qualified provider presenting to the  
14 department all of the following:

15 (1) A spectrum and certified structural analysis of the  
16 communication tower that demonstrates the following:

17 (i) The new service will not interfere with current  
18 equipment.

19 (ii) No structural element is beyond 85% capacity  
20 based on current and previously documented future loads.

21 (iii) The communication tower meets industry  
22 standards established by the Telecommunications Industry  
23 Association or its successor.

24 (2) Proof that the communication tower satisfies all  
25 applicable local government requirements.

26 Section 5. Departmental guidelines.

27 The department shall adopt guidelines for the following:

28 (1) Determining whether a provider of wireless broadband  
29 service is qualified to provide the service.

30 (2) Requesting a State department, agency, board,

1 commission or other entity to enter into a lease or other  
2 conveyance of an interest in a communication tower or site  
3 under this act.

4 Section 6. Approvals.

5 (a) Consideration.--The lease or other conveyance under this  
6 act shall be for consideration as the secretary deems  
7 appropriate. The consideration shall not be required to be  
8 commensurate with the consideration paid for use of comparable  
9 space on similar towers.

10 (b) Shared use.--The lease or other conveyance may include  
11 shared use of the facilities by other political subdivisions or  
12 persons providing the same or similar services, and by the State  
13 department, agency, board, commission or other entity.

14 (c) Governmental approvals.--No transaction authorized by  
15 this act shall be made without the prior approval of the  
16 secretary and the approval of the Attorney General as to the  
17 form of a conveyancing instrument prior to execution.

18 Section 7. Request for proposals.

19 (a) Transmittal.--No fewer than 100 days prior to the  
20 leasing of a State-owned asset, the department shall transmit a  
21 State plan to the General Assembly for approval or disapproval.

22 (b) Consideration by General Assembly.--Upon transmittal  
23 under subsection (a), the State plan shall be:

24 (1) Introduced as a resolution in both houses of the  
25 General Assembly.

26 (2) Placed on the calendar of each house for the next  
27 legislative day following transmittal.

28 (3) Considered by each house within 20 legislative days  
29 after transmittal.

30 (c) Determination.--

1           (1) The State plan shall be deemed approved if each  
2 house of the General Assembly adopts the resolution under  
3 this section. The department may then submit the State plan  
4 to the Office of Administration for consideration.

5           (2) The State plan shall be deemed disapproved if either  
6 house of the General Assembly fails by final vote to adopt  
7 the resolution under this section. The department may not  
8 then submit the State plan to the Office of Administration  
9 for consideration. The department shall determine the reason  
10 for the disapproval and modify the State plan.

11           (3) If a vote is not taken by either house of the  
12 General Assembly as prescribed under this section, the State  
13 plan shall be deemed approved. The department may then submit  
14 the State plan to the Office of Administration for  
15 consideration.

16 Section 8. Applicability.

17 This act shall not apply to the Pennsylvania State Police.

18 Section 9. Effective date.

19 This act shall take effect immediately.