

Removing Obstacles to Wireless Infrastructure Deployment



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I. How Local Delays Prevent Wireless/Broadband Deployment

- Wireless voice/data/broadband depends on **towers and wireless facilities** for coverage and capacity.
- Towers and wireless facilities usually require **zoning approval**, and often require multiple **public hearings**.
- Local review processes can take **months or years** before a proposal is scheduled for public hearing. As of July 2008, there were more than 3,300 local reviews of wireless infrastructure pending nationwide. 760 reviews were pending for more than 1 year; 380 reviews were pending for more than 3 years.
- Some review standards impose an “**effective prohibition**” on wireless services in violation of federal Telecommunications Act (e.g., zoning ordinances that require variances/waivers for all wireless facilities).
- Activist groups and “municipal consultants” can add to delays.

II. Federal Policy Solutions

- On Nov. 18, 2009, the FCC issued declaratory ruling establishing a “**shot clock**” deadline on final decisions by local zoning officials on proposed wireless facilities (90 days for attachment of antennas to existing structures; 150 days for new towers).
- FCC recognized critical role of wireless infrastructure in broadband deployment in its unanimous approval of the “shot clock.”
- Local governments must review application for **completeness** within 30 days of receipt, and can toll “shot clock” upon request for additional information.
- Local officials cannot **deny** a proposed facility on the grounds that the area is already served by existing carrier(s).
- Local-government interest groups requested an emergency **stay and reconsideration** of the “shot clock” on grounds that the 30-day completeness review standard has jurisdictional, notice, and policy problems.
- Pres. Obama recognized **cell towers as critical infrastructure** in a proclamation establishing December 2009 as “Critical Infrastructure Month.”

II. State and Local Policy Solutions

- In addition to federal “shot clock,” some **state statutes** implement zoning review **deadlines**. Examples in FL and NC require local governments to review and issue final decisions on proposed wireless facilities within specified timeframes.
- Other state statutes and local ordinances provide for **expedited review** of “reduced-impact” wireless facilities (attachments to existing structures; towers in industrial zones). For example, TN prohibits regulation of antenna attachment on a structure to which antennas are already attached. NV provides for administrative approvals (i.e., no public hearings) for a proposed facility that is “architecturally integrated so that its function as a wireless facility is not ‘readily apparent’.”
- **Local zoning ordinances** should encourage use of existing structures for wireless deployment. Planners can (and should) review proposed wireless infrastructure according to reasonable land-use principles.

III. Enabling Deployment Through Efficient Siting Review

- As local governments implement shot clock timelines on zoning review, issues will be identified (and resolved) more quickly.
- But, activists and municipal consultants will continue to use fear tactics and “file churn” to delay infrastructure deployment.
- Policymakers should ensure wireless access to **pole attachments** in public rights-of-way. The FCC is expected to address this issue in its National Broadband Plan (due to Congress in February).
- Consumers demand for “**broadband to the person.**” Mobile broadband and data usage is skyrocketing, and will require more wireless infrastructure.
- Local governments with reasonable review processes enable all the benefits of wireless broadband deployment and service to their citizens.
- Economic vitality and public safety depend on ubiquitous broadband.