

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 59-17

**A RESOLUTION OF THE BOARD OF
COMMISSIONERS OF CHELTENHAM TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA
EXPRESSING ITS OPPOSITION TO HOUSE BILL
1620, ENTITLED “WIRELESS INFRASTRUCTURE
DEPLOYMENT BILL”**

WHEREAS, broadband service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, Cheltenham Township supports the deployment of broadband services—both wired and wireless—in our community and throughout the Commonwealth; and

WHEREAS, a relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

WHEREAS, Pennsylvania municipalities are charged by state law with the management of the public rights-of-way, including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

WHEREAS, pursuant to Federal law, municipalities have the right to regulate the “placement, construction, and modification” of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion. The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

WHEREAS, House Bill 1620, entitled the “Wireless Infrastructure Deployment” bill, would strip municipalities of their legal authority to regulate wireless facilities in the public rights-of-way and would therefore undermine public safety and the protection of the rights-of-way; and

WHEREAS, specifically HB 1620 would abolish municipal zoning authority over wireless antennae in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and excluding the public from the approval process for towers and antennae; and

WHEREAS, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

WHEREAS, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs; and

WHEREAS, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

WHEREAS, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval; and

WHEREAS, HB 1620 would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620; and

WHEREAS, if the Pennsylvania General Assembly is permitted to abolish municipal right-of-way authority over wireless facilities today, then it could abolish all municipal authority over the public rights-of-way tomorrow; and

WHEREAS, the Board of Commissioners has only recently enacted Ordinance No. 2346-17 – known as the “Wireless Supports and Communications Facilities Ordinance” – on June 21, 2017, which, among other things, imposes much-needed and detailed parameters on wireless infrastructures in certain residential portions of the Township.

NOW THEREFORE BE IT RESOLVED, this 15th day of **November, 2017**:

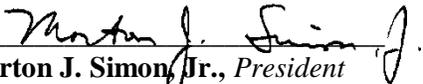
1. That the Board of Commissioners of Cheltenham Township does hereby express its opposition to HB 1620 because it is not in the best interests of Pennsylvania or Cheltenham Township.
2. That this Resolution shall be sent to our State Representative(s), State Senator, Governor, and all Members of the House Consumer Affairs Committee, which is the Committee to which HB 1620 has been assigned, and to other municipalities and municipal organizations in the region in order to foster additional opposition to HB 1620.

ATTEST:



Bryan T. Havir
Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 

Morton J. Simon, Jr., President