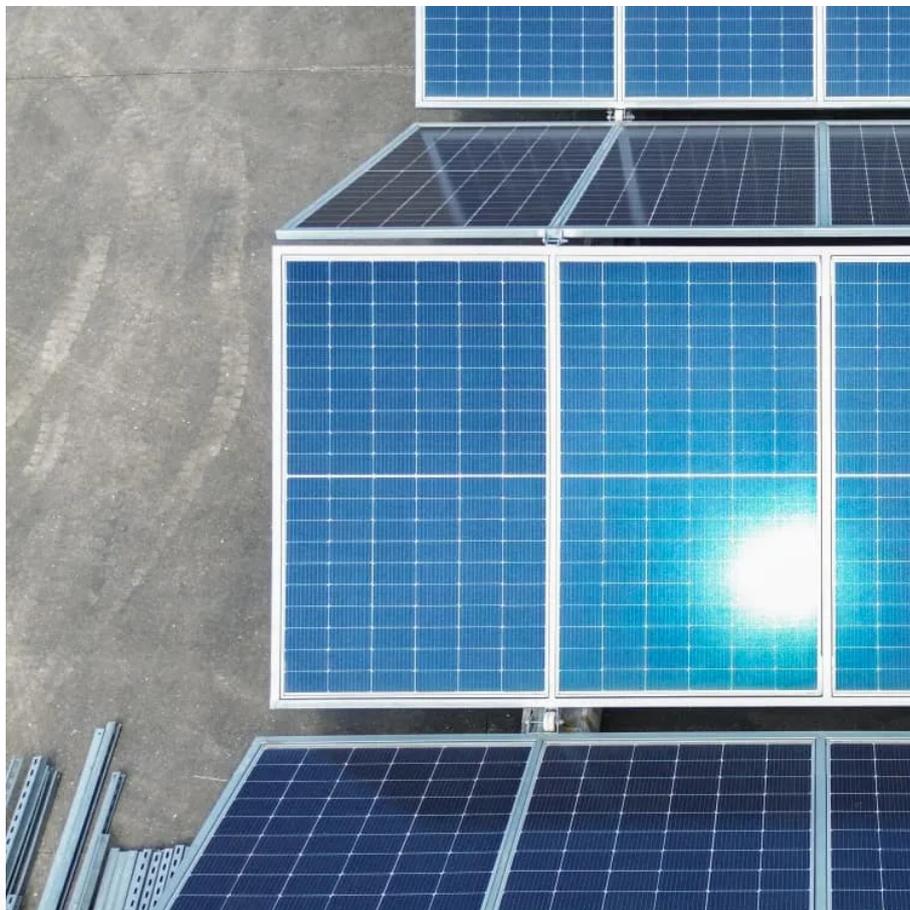


## Kongres Container

# Telecommunications companies cannot install base stations



## Overview

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The Telecommunications Act of 1996 is a law which stripped all States and local governments of their power to consider the potential adverse health impacts of RF radiation from Cell Towers and Cell Antennas, when a wireless company files any type of zoning application seeking to.

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Every municipality is responsible for adopting its own set of laws governing the placement, design standards, and safety features of wireless telecommunications equipment installed and/or operated by companies like Verizon, AT&T, T-Mobile, Dish, and Crown Castle. Strong local cell tower laws are.

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not.

Building new towers or collocating antennas on existing structures requires compliance with the Commission's rules for environmental review. These rules ensure that entities constructing facilities to support Commission-licensed services take appropriate measures to protect environmental and.

Section 704 of the Telecommunications Act of 1996 prohibits state and local governments from regulating the placement, construction, and modification of wireless service facilities (like cell towers) based on environmental or health concerns if the facilities comply with federal RF safety.

The United States Court of Appeals for the Ninth Circuit recently issued a long-anticipated ruling in *League of California Cities, et al. v. Federal Communications Commission and United States of America*. This case, brought by several cities and municipal organizations, challenged various

elements.

Applications by wireless service providers to construct cell towers, and opposition to those applications, are governed by the Telecommunications Act of 1996 and by zoning and land use laws as provided in that law. This column discusses the principal governing law, recent FCC guidance, and notable. Can a state or local government deny a request to modify wireless equipment?

Under Section 6409 of the Spectrum Act, state and local governments are forbidden to deny requests to modify wireless equipment, so long as the modification does not “substantially change the physical dimensions” of the tower or facility.

Where should cell base stations be located?

An analysis of 100 studies published in Environmental Reviews found approximately 80% showed biological effects near towers. “As a general guideline, cell base stations should not be located less than 1500 ft from the population, and at a height of about 150 ft” (Levitt 2010).

Does T-Mobile West have rights to modify and upgrade wireless facilities?

On March 21, 2021, the United States District Court for the Northern District of California issued an opinion in a case filed by T-Mobile West LLC that reinforces the rights of telecommunications companies to modify and upgrade their wireless facilities.

Can a Zoning Board deny a cell tower application?

Of course. There is a moderately wide range of legally valid basis upon which a local zoning board, planning board or town board may deny, and in fact, may be legally compelled to deny, an application for the installation of a Cell Tower.

Do cell towers/cell antennas comply with FCC regulations?

The reference to "the Commission's regulations" refers to the FCC, and denotes that, local governments can't even discuss, much less consider, adverse health impacts, so as long as the Cell Towers/Cell Antennas are compliant with FCC regulations.

Who is responsible for regulating wireless telecommunications equipment?

Every municipality is responsible for adopting its own set of laws governing the placement, design standards, and safety features of wireless telecommunications equipment installed and/or operated by companies like Verizon, AT&T, T-Mobile, Dish, and Crown Castle.

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