

RESOLUTION NO. 021218-1

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF GETTYSBURG, ADAMS COUNTY,
PENNSYLVANIA, ADOPTED IN OPPOSITION TO THE
ENACTMENT OF HOUSE BILL 1620, ENTITLED THE
WIRELESS BROADBAND INFRASTRUCTURE
DEPLOYMENT AND COLLOCATION ACT.**

WHEREAS, broadband service is a critical catalyst for economic development, student achievement, quality healthcare and the efficiency of local governments. As such, the Borough of Gettysburg supports the deployment of broadband services—both wired and wireless—in the Gettysburg community, Adams County and throughout the Commonwealth of Pennsylvania; 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 in order to maintain public safety and to 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 Broadband Infrastructure Deployment and Collocation Act, if enacted, would abolish municipal zoning authority over the installation of wireless antennae in the rights-of-way and would nearly abolish municipal authority over the erection of wireless towers in the rights-of-way, thereby placing public safety at risk and excluding the public from the approval process for these facilities; and

WHEREAS, HB 1620, if enacted, would severely limit the assessment of fees for the location of wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs, thereby forcing taxpayers to subsidize wireless companies for the management of their facilities; and

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

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

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

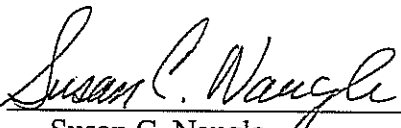
WHEREAS, the Pennsylvania General Assembly being permitted to abolish municipal right-of-way authority over wireless facilities by enacting HB 1620 at this time could lead to the abolition of all municipal authority over the public rights-of-way later.

WHEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, does hereby express its opposition to HB 1620 as the enactment of such legislation is not in the best interests of the constituency of the Borough of Gettysburg; and

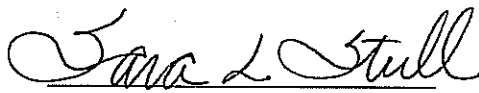
BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to our State Representative, State Senator, Governor and Members of the House Consumer Affairs Committee, which is the Committee to which HB 1620 has been assigned.

THIS RESOLUTION DULY ADOPTED according to law on this 12th day of February, 2018 at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

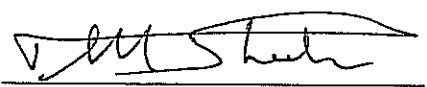
BOROUGH OF GETTYSBURG

By: 
Susan C. Naugle
President of Borough Council

Attest:


Sara L. Stull, Secretary

APPROVED this 12th day of February, 2018.

By: 
Theodore H. Streeter, Mayor

