

HOUSE BILL REPORT

SHB 2044

As Passed House

March 11, 1997

Title: An act relating to revising definitions for personal wireless service facilities.

Brief Description: Revising the definition of personal wireless service facilities and microcells.

Sponsors: By House Committee on Energy & Utilities (originally sponsored by Representatives Crouse, Pennington, Mastin, McMorris, DeBolt, D. Sommers, Kessler and Delvin).

Brief History:

Committee Activity:

Energy & Utilities: 3/4/97 [DPS].

Floor Activity:

Passed House: 3/11/97, 97-0.

HOUSE COMMITTEE ON ENERGY & UTILITIES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Crouse, Chairman; DeBolt, Vice Chairman; Mastin, Vice Chairman; Poulsen, Ranking Minority Member; Morris, Assistant Ranking Minority Member; Bush; Cooper; Honeyford; Kastama; Kessler; Mielke; Mulliken and B. Thomas.

Staff: Margaret Allen (786-7110).

Background: As the demand for wireless telecommunications services has increased, the need for wireless antenna sites has increased correspondingly. Numerous small sites help the wireless telecommunications industry address two concerns: (1) capacity (more users wanting to use a wireless system at a given time than the system can accommodate); and (2) coverage (providing coverage in all areas and preventing dropped calls— because antenna sites do not overlap). Microcell technology has the potential of increasing capacity and coverage by replacing a single antenna tower with several smaller microcells.

An antenna, or cell, site consists of radio transmitters, receivers, and antennas. Most sites are created by placing antennas on existing structures. Other sites are created by placing antennas on towers or monopoles. The receivers and transmitters usually are

housed in small equipment shelters or rooms. A site connects with other facilities by transmitting radio waves to a mobile switching office, which routes calls to the intended destinations.

The specific locations chosen by wireless companies to site antennas depend on a variety of factors, such as the proximity of adjacent antenna sites, engineering and topographical considerations, community response, and the existence of a willing property owner. Antenna siting is often contentious, in large part due to neighborhood concerns about possible health, safety, and aesthetic effects.

In 1995, the Governor's Telecommunications Policy Coordination Task Force studied the issue of wireless antenna siting. At that time, some citizens suggested siting only microcells in residential areas or near schools, in part, out of the belief that exposure to radio frequency electromagnetic radiation is lower near microcells than near other wireless antennas.

In 1996, the Legislature enacted legislation exempting the siting of microcells from the requirements of the State Environmental Policy Act (SEPA) if (1) the microcells were to be attached to an existing structure other than a residence or a school (although the structure could be located in a residential zone or other zones containing residences and schools); (2) the siting would not be in a designated environmentally sensitive area; and (3) the siting project did not consist of a series of actions some of which were not exempt from SEPA requirements, or that together might have a significant adverse environmental impact.

In addition, when a telecommunications service provider applies to site several microcells in a single geographical area, the legislation encouraged local governments: (1) to allow the applicant to file a single set of SEPA documents, if applicable, and a single set of land use permit documents that would apply to all the microcells to be sited; and (2) to render decisions in a single administrative proceeding.

The legislation defined a microcell as a wireless communications facility consisting of an antenna that is either (1) four feet in height and having an area of not more than 580 square inches; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length. The legislation also defined personal wireless service facilities— as facilities for the provision of personal wireless services.

Finally, the legislation also directed the State Building Code Council (SBCC) to exempt equipment shelters from state building envelope insulation requirements.

When the SBCC enacted rules exempting equipment shelters from building envelope insulation requirements, the SBCC found the statutory definition did not correspond to the actual configuration of microcells. Consequently, the SBCC modified the definition of microcell,— by including a requirement that the associated equipment

cabinet be six feet or less in height and no more than 48 square feet in floor area. At the same time, the SBCC expanded the definition of personal wireless service facility– to mean a wireless communication facility, including a microcell, that is a facility for the transmission and/or reception of radio frequency signals and that may include antennas, an equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

Since the SBCC adopted the definitions, it has been suggested that one antenna per microcell is too restrictive.

Summary of Bill: When a telecommunications service provider applies to site several microcells and/or minor facilities in a single geographical area, local governments are encouraged (1) to allow the applicant to file a single set of SEPA documents and land use permit documents that would apply to all the microcells and/or minor facilities to be sited; and (2) to render decisions in a single administrative proceeding.

Minor facility– is defined in the same manner as the SBCC definition of a microcell, except a minor facility may have up to three antennas. In addition, the statutory definition of a personal wireless service facility is amended to correspond with the definition adopted by the SBCC.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The substitute bill is consistent with the compromise reached in 1996. The substitute bill does not extend the SEPA exemption, but just extends the statutory language encouraging local governments to allow minor facilities, as well as microcells, to be sited in a single administrative proceeding with a single set of documents. The substitute bill does not limit local control over antenna siting. Microcell technology is not here yet; some companies cannot take advantage of the current statutory definition of a microcell.

Testimony Against: None.

Testified: (Supported substitute) Kari-Lynn Frank, Innovation, Inc.; Matt Lampe, City of Seattle; and Steve Gano, AT&T Wireless.