



Senate Communications & Technology Committee

Senator Mike Folmer
Chairman

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SUMMARY

Amendment A11541

Senate Bill 1345 (PN 1815)

Prime Sponsor: Senator Folmer

Amendment A11541 to SB 1345 (PN 1815) makes a number of technical and substantive changes, including:

Section 2. Definitions:

- **Base Station:** adds as a new definition
- **Collocation:** clarifies the previous definition – especially as it relates to municipal approval for previously approved and constructed structures, including:
 - Self-supporting or guyed monopoles or towers
 - Electrical transmission towers
 - Water towers
 - Any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities
- **Modification:** clarifies any improvement, upgrade, or expansion within an existing equipment compound “does not substantially change the physical dimensions of the wireless support structure”
- **Municipality:** adds to provide clarification
- **Pennsylvania Municipalities Planning Code:** cross references existing law
- **Replacement:** adds a new definition to clarify maintenance, repair, or technological advancement within an existing compound “does not substantially change the physical dimensions of the existing wireless support structure”

- **Substantial change:** establishes such alterations as being a ten percent increase in the height of the existing structure or twenty feet
 - Any increase in height beyond these limits will require municipal approval
- **Wireless support structure:** provides clarification

Section 3. Limitations: clarifies the ability of municipalities to impose (new) additional requirements when antennas or other equipment are added to existing wireless telecommunications facilities. These limitations apply to municipalities with existing zoning ordinances and land use regulations relating to the placement of wireless support structures and include:

- Regulating collocation onto existing wireless support structures or existing compounds
- Limiting fees – except “the appropriate and reasonable permit fees”
- Limiting zoning permit fees to actual, reasonable costs or \$1,000 – whichever is less
- Requiring justification for radio frequency need
- Prohibiting the provision of mobile services
- Requiring justification on the need for wireless telecommunications facilities

Section 4. Processing Applications: these are among the most substantive changes Amendment A11541 proposes to SB 1345, including:

- Allows municipalities to review collocation applications (including the expanded structural loads of added equipment) but limits municipalities’ ability to make new zoning or land use requirements beyond those issued for the initial approval
- Allows replacement of existing equipment to be done without building or zoning permits
- Establishes a timeline for when applications are deemed complete: 30 calendar days
- Establishes the timeline for reviewing applications – 90 days (unless another date is agreed upon by the applicant and the municipality) – and requires the municipality to make a final decision and notify the applicant within those 90 days
 - If the municipality does not act within the 90 days, the application is deemed approved
 - If the municipality advises the applicant within the 30 days that additional information is needed to complete the application, the additional time the applicant needs to complete the application would not count against the municipality’s 90-day timeline
 - Limits the timeline to alterations that:
 - ❖ Does not change the physical dimensions of support structures
 - ❖ Does not increase the height by more than 10%
 - ❖ Does not increase the compound dimensions beyond the municipality’s original approval
 - ❖ Complies with the municipality’s conditions when they approved the original facility
 - ❖ Does not exceed applicable wind and structural loading requirements

Section 5. Enforcement: clarifies the appeal process:

- 30 days to the court of common pleas of the county where the structure and facility is located

Section 6. Preservation of local governing authority: none of these collocation provisions would limit or preempt the Pennsylvania Municipalities Planning Code.