



Pennsylvania Municipal League
President – Derek Green, Councilmember, City of Philadelphia



Pennsylvania State Association of Township Commissioners
President – Nathan Silcox, Commissioner, Hampden Township

Expansion of 5G and Small Cell Facilities

Testimony Before the Senate Telecommunications and Technology Committee

April 28, 2021

Good Afternoon and thank you for the invitation to testify today. On behalf of the PA Municipal League and the PA State Association on Township Commissioners, I am Amy Sturges, Director of Governmental Affairs. Together, the League and PSATC represent close to 200 full-service, urban and suburban communities -- cities, boroughs, and townships.

The expanded deployment of small cell facilities in the municipal right-of-way has been a priority issue for the League and PSATC over the last several sessions. In particular, we have been concerned with balancing the growing need for this technology with local control and decision making authority.

We do not argue the benefits of deploying small cell facilities in our communities. However, we do want to make sure the deployment is done responsibly and within local parameters as local governments are responsible for the health, safety and welfare of their residents. One tool of particular importance to this charge is local zoning. Municipalities take their zoning authority very seriously. Therefore, legislation proposing to preempt local zoning, as has been the case with prior proposals, was not regarded favorably.

In 2018, the federal government, through an FCC Order, provided the wireless industry with a set of rules to remove barriers and foster quick, reliable installation of small cell facilities across the country. For example, the Order limits local decision making in the areas of fees and sets specific timeframes for processing and approving the facilities.

Throughout several sessions of debate on Pennsylvania specific legislation, we contended that with the FCC Order in place, state legislation was not necessary. Secondly, if such legislation must move forward in Pennsylvania, it must be as close to the FCC Order as possible, and not preempt local zoning authority. Prior legislative proposals, in our opinion, were too far afield on both accounts.

Today, we believe the compromise we have reached with the wireless industry over the last several months meets our goals. Both sides have conceded elements in order to get to this municipal-friendly compromise. It is important to be aware that this is a technical issue and changes to the language could easily upset this agreement causing opposition from either side.

We respectfully request that the language remain intact and that issues outside the scope of the deployment of small cell facilities in the public right-of-way be dealt with in separate legislation.

We want to thank the wireless industry for working with us outside of the legislative process to find a compromise. We also thank the House and Senate legislative staff for their years of work on this complicated issue.

As long as our compromise language remains intact, we fully intend to educate our members and prepare them for enactment.

Thank you.