



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE COMMUNICATIONS & TECHNOLOGY COMMITTEE**

ON

**EXPANSION OF SMALL CELL WIRELESS INFRASTRUCTURE IN
PENNSYLVANIA**

PRESENTED BY

**JOE GERDES
DIRECTOR OF GOVERNMENT RELATIONS**

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HARRISBURG, PA**

Chair Phillips-Hill and members of the Senate Communications & Technology Committee

Good morning. My name is Joe Gerdes and I am the director of government relations for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of our member townships.

The Association represents Pennsylvania's 1,454 townships of the second class and is committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.5 million Pennsylvanians — than any other type of political subdivision in the commonwealth.

Over the last three sessions, PSATS has been working with legislators and the industry to craft compromise legislation for small wireless facilities. We feel the legislation has come a long way from the original small wireless proposals, which would have drastically limited the ability of municipality's to reasonably regulate small wireless facilities. In fact, legislation from the 2017-2018 legislative session would have eliminated municipal zoning authority over the placement of most, if not *all* wireless facilities including large tower and guyed-wired monopoles both within and outside the right-of-way.

While we found the early version of the legislation to be unacceptable, we felt that it was critical to have a seat at the table to represent townships and discuss our concerns and member needs with these proposals. We recognize that the expansion of broadband to our communities is a critical need, and in fact, this is a priority for the Association. However, we believe that it needs to be done in an orderly fashion and that these small cells must comply with right-of-way management ordinances and zoning provisions.

As such, we have remained at the table and have argued for many changes, quite a few of which have been made. For example, we asked that small cells comply with restrictions in place in underground utility districts. Another suggestion was to remove language that would have allowed a provider to go higher than the 50-foot height limitation simply by filing a waiver with the application. In the current draft, if collocation is not an option, a provider may request a waiver to install a new utility pole greater than 50 feet subject to applicable codes, including zoning regulations. We had requested that right-of-way fees be higher in comparison to other municipal fees and this change was accepted.

Our position on this issue is set by our membership which has established several policies on small wireless facilities, management of rights-of-way, and fees. Our members are very concerned that they be able to continue to exercise reasonable oversight of their right-of-way from a safety perspective and be able to negotiate for and collect reasonable fees for collocation of wireless facilities on municipal infrastructure. We also understand that any legislation, as well as any rules or fees that our members have, must comply with the Federal Communications Commission's orders.

We believe that the current draft proposal meets our members concerns and is the most municipal-friendly version of small cell legislation that we have seen. It even improves on the

2019 legislation. For example, municipalities would have the ability to develop reasonable design guidelines to minimize aesthetic impact, which would accommodate concerns while allowing rollout to continue.

We must point out that the rollout of small wireless facilities is to fill a desire for faster and more reliable broadband service. It is being rolled out to the populated areas of the state, primarily suburban and urban areas, which are struggling with the proliferation of wired and wireless facilities and are attempting to do their best to manage the right-of-way. In contrast, we have not seen applications for small wireless facilities in more rural areas that are unserved or underserved by broadband. Those areas would greet these facilities with open arms.

As the pandemic has shown, broadband is an essential service and we must continue to work together to bridge the digital divide. We believe that township government is a critical partner in these efforts as local officials are aware of where broadband is available and where it is sorely lacking in their communities.

Thank you for the opportunity to comment today on the progress that has been made on legislation to place reasonable local restrictions on the rollout of 5G service across Pennsylvania. I am happy to answer any questions you may have.