

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1998 Legislative Session

Resolution No. CR-23-1998

Proposed by Council Member Estepp

Introduced by Council Members Estepp, Russell, Del Giudice, and Scott

Co-Sponsors

Date of Introduction February 24, 1998

RESOLUTION

A RESOLUTION concerning

Communication Facility Regulation

For the purpose of expressing the County Council's support of proposed legislation to limit the authority of the Federal Communications Commission to preempt local zoning authority and safety and environmental standards.

WHEREAS, the Federal Communications Commission has adopted a plan to provide digital television service in the top ten market areas of the nation by May 1999 and throughout the nation by 2002; and

WHEREAS, digital broadcasters will need to reconstruct existing tower facilities or construct new tower facilities to accommodate new broadcast antennae; and

WHEREAS, regulatory decisions regarding the location of new digital broadcast facilities in environmentally sensitive areas, in historic areas, and in scenic areas are best resolved in existing local land use procedures; and

WHEREAS, on August 19, 1997, the Federal Communications Commission has issued a proposed rule, MM Docket No. 97-182, regarding the placement of telecommunications towers for digital television services, which would preempt the application of existing state and local zoning regulations, restrict local safety and environmental reviews, and shift the burden of proof from the applicant to the County in all land use disputes; and

WHEREAS, the Vermont Senators Patrick D. Leahy and James M. Jeffords introduced S. 1350 in the United States Senate and Vermont Representative Bernard Sanders introduced H.R. 3016 in the United States House of Representatives to prohibit the Federal

Communications Commission from adopting its proposed rules and repeal parts of the Telecommunications Act of 1966 in order to give local governments full authority regarding the siting of telecommunications towers; and

WHEREAS, the Federal Communications Commission has failed in previous decisions preempting existing local health, safety, and welfare regulations to demonstrate its competence to understand and consider local esthetic, environmental, and economic interests that compete with the economic interests of communications industries.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the Prince George's County Council supports S. 1350 and H. R. 3016 and the efforts of the Vermont Congressional Delegation to preserve existing local environmental, esthetic, safety, and land use controls.

BE IT FURTHER RESOLVED that each member of the Maryland Congressional Delegation is encouraged to join and support the efforts of the Vermont Congressional Delegation to secure passage of S. 1350 and H. R. 3016 as soon as possible.

BE IT FURTHER RESOLVED that the Clerk of the Council shall forward a copy of this Resolution to each member of the Maryland Congressional Delegation

Adopted this 31st day of March, 1998.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

