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HOUSE BILL 2828

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State of Washington

54th Legislature

1996 Regular Session

By Representative Crouse

Read first time 01/22/96. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to personal wireless service facilities; adding a  
2 new section to chapter 43.21C RCW; adding new sections to chapter 80.36  
3 RCW; adding a new section to chapter 19.27 RCW; adding a new section to  
4 chapter 70.92 RCW; adding a new section to chapter 43.70 RCW; and  
5 making an appropriation.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21C RCW  
8 to read as follows:

9 (1) Unless this section is preempted by applicable federal  
10 statutes, decisions pertaining to applications to site personal  
11 wireless service facilities are not subject to the requirements of RCW  
12 43.21C.030(2)(c), if those facilities meet the following requirements:

13 (a)(i) The facility to be sited is a microcell or personal  
14 communications services antenna, and is to be attached to an existing  
15 structure that is not a residence or school; or (ii) the facility is an  
16 antenna, other than a microcell or personal communications services  
17 antenna, and is to be attached to an existing structure that is not a  
18 residence or school and the existing structure to which it is to be  
19 attached is located in a commercial, industrial, manufacturing, forest,

1 or agricultural zone; or (iii) the siting project involves  
2 constructing, or colocation of an antenna on, a cellular tower less  
3 than sixty feet in height that is located in a commercial, industrial,  
4 manufacturing, forest, or agricultural zone; and

5 (b) The project is not in a designated environmentally sensitive  
6 area; and

7 (c) The project does not consist of a series of actions: (i) Some  
8 of which are not categorically exempt; or (ii) that together may have  
9 a probable significant adverse environmental impact.

10 (2) For the purposes of this section, "personal wireless service"  
11 means any wireless telecommunications service licensed by the federal  
12 communications commission.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.36 RCW  
14 to read as follows:

15 (1) Unless this section is preempted by applicable federal  
16 statutes, if a telecommunications service provider applies to site  
17 several microcells or personal communications services antennas in a  
18 single geographical area:

19 (a) If one or more of the microcells or personal communications  
20 services antennas are not exempt from the requirements of RCW  
21 43.21C.030(2)(c), local governmental entities are encouraged: (i) To  
22 allow the applicant, at the applicant's discretion, to file a single  
23 set of documents required by chapter 43.21C RCW that will apply to all  
24 the microcells or personal communications services antennas to be  
25 sited; and (ii) to render decisions under chapter 43.21C RCW regarding  
26 all the microcells or personal communications services antennas in a  
27 single administrative proceeding; and

28 (b) Local governmental entities are encouraged: (i) To allow the  
29 applicant, at the applicant's discretion, to file a single set of  
30 documents for land use permits that will apply to all the microcells or  
31 personal communications services antennas to be sited; and (ii) to  
32 render decisions regarding land use permits for all the microcells or  
33 personal communications services antennas in a single administrative  
34 proceeding.

35 (2) For the purposes of this section, "personal wireless service"  
36 means any wireless telecommunications service licensed by the federal  
37 communications commission.

1        NEW SECTION.    **Sec. 3.** A new section is added to chapter 19.27 RCW  
2 to read as follows:

3        (1) The state building code council shall exempt equipment shelters  
4 of personal wireless service facilities from building envelope  
5 insulation requirements and mechanical systems efficiency requirements.

6        (2) For the purposes of this section, "personal wireless service"  
7 means any wireless telecommunications service licensed by the federal  
8 communications commission.

9        NEW SECTION.    **Sec. 4.** A new section is added to chapter 70.92 RCW  
10 to read as follows:

11        (1) An equipment shelter of a personal wireless service facility is  
12 exempt from the barrier-free accessibility requirements of this chapter  
13 and rules adopted under this chapter, if the shelter meets the  
14 following conditions: (a) The shelter is not located on or otherwise  
15 attached to a building or structure subject to barrier-free access  
16 requirements; (b) the shelter is not staffed; and (c) to conduct  
17 maintenance activities, employees who visit the shelter must be able to  
18 climb.

19        (2) For the purposes of this section, "personal wireless service"  
20 means any wireless telecommunications service licensed by the federal  
21 communications commission.

22        NEW SECTION.    **Sec. 5.** A new section is added to chapter 80.36 RCW  
23 to read as follows:

24        (1) Unless this section is preempted by applicable federal  
25 statutes, a personal wireless service facility, by itself or in  
26 combination with others, shall not expose the public to non-ionizing  
27 electromagnetic radiation in an amount exceeding the standard  
28 recommended by the American national standard institute in 1990.

29        (2) For the purposes of this section, "personal wireless service"  
30 means any wireless telecommunications service licensed by the federal  
31 communications commission.

32        NEW SECTION.    **Sec. 6.** A new section is added to chapter 43.70 RCW  
33 to read as follows:

34        The department shall conduct a survey of scientific literature  
35 regarding the possible health or behavioral effects of human exposure  
36 to non-ionizing electromagnetic radiation. The department shall

1 prepare a summary of that survey, and make the summary available to the  
2 public. The department shall update the survey and summary in even-  
3 numbered years.

4 NEW SECTION. **Sec. 7.** The sum of fifty thousand dollars, or as  
5 much thereof as may be necessary, is appropriated for the fiscal year  
6 ending June 30, 1997, from the general fund-state to the department of  
7 health for the purposes of carrying out the department's  
8 responsibilities under section 6 of this act.

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