

SENATE BILL REPORT

SB 6683

As Reported By Senate Committee On:
Energy, Telecommunications & Utilities, February 1, 1996

Title: An act relating to personal wireless service facilities.

Brief Description: Regulating wireless telephone services.

Sponsors: Senators Finkbeiner and Sutherland.

Brief History:

Committee Activity: Energy, Telecommunications & Utilities: 1/29/96, 2/1/96 [DPS].

SENATE COMMITTEE ON ENERGY, TELECOMMUNICATIONS & UTILITIES

Majority Report: That Substitute Senate Bill No. 6683 be substituted therefor, and the substitute bill do pass.

Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Staff: Phil Moeller (786-7445)

Background: The use of cellular telephones has grown significantly since this market began to develop in 1984. The cellular network consists of "cells" that contain antennas to relay the signal. As these cellular networks have expanded, more antennas have been needed both in new service areas and within existing cells. Additionally, a new market with a large potential is expected for "Personal Communication Services," telecommunications service that is similar to cellular telephones but has a smaller local coverage base. This group of services is often referred to as "wireless" and also includes pagers, mobile dispatch, and others.

In some cases, opposition has been raised to the siting location of antennas used for wireless service. Opponents have cited reasons that pertain to aesthetics and some have claimed that there is a potential for negative health effects from these facilities. In this state, siting decisions are made by local governments.

These facilities often involve an equipment shelter at the base of the antenna. These shelters are required to conform to certain building code requirements including insulation, mechanical systems, and barrier-free access.

Summary of Substitute Bill: The siting of wireless service facilities is not subject to the state environmental policy act impact analysis if the facilities meet certain conditions. These conditions include if the facility is a lower-power antenna that is to be attached to an existing building other than a residence or a school, or if the antenna is to be attached to an existing building that is not located in a residential zone, or if the project involves collocation with an existing antenna less than 60 feet in height in a nonresidential zone. The siting project

is not exempt if it is in an environmentally sensitive area or if it is part of a series of actions that could have environmental impact.

When a telecommunications provider applies to site several lower-powered wireless service antennas in a single geographical area, local governmental entities are encouraged to allow the applicant to file a single set of documents pertaining to the siting.

Equipment shelters for wireless services are exempt from requirements pertaining to insulation, mechanical systems, and barrier-free access.

Wireless service facilities are prohibited from exposing the public to non-ionizing radiation in an amount exceeding the 1992 recommended standard by the American National Standard Institute (ANSI). The Department of Health (DOH) is directed to conduct a survey of scientific literature on the possible health effects from the radio frequency part of the electromagnetic spectrum every two years.

Substitute Bill Compared to Original Bill: The original bill referenced the 1990 ANSI standard. The report from DOH has a wider scope of analysis.

Appropriation: \$50,000 to the Department of Health for section 6.

Fiscal Note: Requested on January 29, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This legislation provides more certainty to the siting process of an industry that is experiencing rapid growth. Unnecessary building code regulations that add significant costs are removed by this bill. Some clarifications may still be needed in definitions and references to the building codes.

Testimony Against: None.

Testified: Matt Lampe, City of Seattle (concerns); Kris Van Gorkom, DOH; Ron Smith, US West New Vector Group, Inc. (pro); Ross Baker, AT&T Wireless (pro).