

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2828

Chapter 323, Laws of 1996

54th Legislature
1996 Regular Session

PERSONAL WIRELESS SERVICE FACILITIES

EFFECTIVE DATE: 6/6/96

Passed by the House March 6, 1996
Yeas 71 Nays 23

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 7, 1996
Yeas 36 Nays 11

JOEL PRITCHARD
President of the Senate

Approved March 30, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2828** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 30, 1996 - 11:37 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2828

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representative Crouse)

Read first time 02/05/96.

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

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

7 NEW SECTION. **Sec. 1.** The legislature finds that concerns have
8 been raised over possible health effects from exposure to some wireless
9 telecommunications facilities, and that exposures from these facilities
10 should be kept as low as reasonably achievable while still allowing the
11 operation of these networks. The legislature further finds that the
12 department of health should serve as the state agency that follows the
13 issues and compiles information pertaining to potential health effects
14 from wireless telecommunications facilities.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C RCW
16 to read as follows:

1 (1) Decisions pertaining to applications to site personal wireless
2 service facilities are not subject to the requirements of RCW
3 43.21C.030(2)(c), if those facilities meet the following requirements:

4 (a)(i) The facility to be sited is a microcell and is to be
5 attached to an existing structure that is not a residence or school and
6 does not contain a residence or a school; or (ii) the facility includes
7 personal wireless service antennas, other than a microcell, and is to
8 be attached to an existing structure (that may be an existing tower)
9 that is not a residence or school and does not contain a residence or
10 a school, and the existing structure to which it is to be attached is
11 located in a commercial, industrial, manufacturing, forest, or
12 agricultural zone; or (iii) the siting project involves constructing a
13 personal wireless service tower less than sixty feet in height that is
14 located in a commercial, industrial, manufacturing, forest, or
15 agricultural zone; and

16 (b) The project is not in a designated environmentally sensitive
17 area; and

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

21 (2) The department of ecology shall adopt rules to create a
22 categorical exemption for microcells and other personal wireless
23 service facilities that meet the conditions set forth in subsection (1)
24 of this section.

25 (3) For the purposes of this section:

26 (a) "Personal wireless services" means commercial mobile services,
27 unlicensed wireless services, and common carrier wireless exchange
28 access services, as defined by federal laws and regulations.

29 (b) "Personal wireless service facilities" means facilities for the
30 provision of personal wireless services.

31 (c) "Microcell" means a wireless communication facility consisting
32 of an antenna that is either: (i) Four feet in height and with an area
33 of not more than five hundred eighty square inches; or (ii) if a
34 tubular antenna, no more than four inches in diameter and no more than
35 six feet in length.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.36 RCW
37 to read as follows:

1 (1) If a personal wireless service provider applies to site several
2 microcells in a single geographical area:

3 (a) If one or more of the microcells are not exempt from the
4 requirements of RCW 43.21C.030(2)(c), local governmental entities are
5 encouraged: (i) To allow the applicant, at the applicant's discretion,
6 to file a single set of documents required by chapter 43.21C RCW that
7 will apply to all the microcells to be sited; and (ii) to render
8 decisions under chapter 43.21C RCW regarding all the microcells in a
9 single administrative proceeding; and

10 (b) Local governmental entities are encouraged: (i) To allow the
11 applicant, at the applicant's discretion, to file a single set of
12 documents for land use permits that will apply to all the microcells to
13 be sited; and (ii) to render decisions regarding land use permits for
14 all the microcells in a single administrative proceeding.

15 (2) For the purposes of this section:

16 (a) "Personal wireless services" means commercial mobile services,
17 unlicensed wireless services, and common carrier wireless exchange
18 access services, as defined by federal laws and regulations.

19 (b) "Microcell" means a wireless communication facility consisting
20 of an antenna that is either: (i) Four feet in height and with an area
21 of not more than five hundred eighty square inches; or (ii) if a
22 tubular antenna, no more than four inches in diameter and no more than
23 six feet in length.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.27A RCW
25 to read as follows:

26 (1) The state building code council shall exempt equipment shelters
27 of personal wireless service facilities from building envelope
28 insulation requirements.

29 (2) For the purposes of this section, "personal wireless service
30 facilities" means facilities for the provision of personal wireless
31 services.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.92 RCW
33 to read as follows:

34 (1) The state building code council shall amend its rules under
35 chapter 70.92 RCW, to the extent practicable while still maintaining
36 the certification of those regulations under the federal Americans with
37 disabilities act, to exempt personal wireless services equipment

1 shelters, or the room or enclosure housing equipment for personal
2 wireless service facilities, that meet the following conditions: (a)
3 The shelter is not staffed; and (b) to conduct maintenance activities,
4 employees who visit the shelter must be able to climb.

5 (2) For the purposes of this section, "personal wireless service
6 facilities" means facilities for the provision of personal wireless
7 services.

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

10 When funds are appropriated for this purpose, the department shall
11 conduct a survey of scientific literature regarding the possible health
12 effects of human exposure to the radio frequency part of the
13 electromagnetic spectrum (300Hz to 300GHz). The department shall
14 submit the survey results to the legislature, prepare a summary of that
15 survey, and make the summary available to the public. The department
16 shall update the survey and summary periodically.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW
18 to read as follows:

19 Unless this section is preempted by applicable federal statutes,
20 the department may require that in residential zones or areas, all
21 providers of personal wireless services, as defined in section 1 of
22 this act, provide random test results on power density analysis for the
23 provider's licensed frequencies showing radio frequency levels before
24 and after development of the personal wireless service antenna
25 facilities, following national standards or protocols of the federal
26 communications commission or other federal agencies. This section
27 shall not apply to microcells as defined in section 3 of this act. The
28 department may adopt rules to implement this section.

Passed the House March 6, 1996.

Passed the Senate March 7, 1996.

Approved by the Governor March 30, 1996.

Filed in Office of Secretary of State March 30, 1996.