

A Resolution

Calling on the Legislature of the Commonwealth of Pennsylvania to Oppose House Bill 2654, a Proposal Concerning Small Cell Wireless Facilities, Which Would Remove Local Control of the Public Right of Way and Municipal Infrastructure; and Further Reaffirming the Authority of Municipalities, and Cities of the First Class to Regulate the Public Right of Way.

WHEREAS, The City has been responsible for management of the public rights of way (“ROW”) since Philadelphia was founded over 325 years ago; and

WHEREAS, This Council has always shown leadership and willingness to work towards the development of “5G Wireless” and other new technologies to secure the high-quality services to be available to the constituents of the City; and

WHEREAS, This Council’s commitment is further demonstrated by Bill No. 171012, which was signed by the Mayor on December 14, 2017, which provided authority to the Streets Department to Promulgate Regulations and establish the process by which small cell wireless providers can apply for permits to access the public ROW for the development of crucial new technology; and

WHEREAS, The Streets Department has enacted the regulations in April of this year and has since taken in over 1,250 applications for the placement of small cell wireless facilities. Most wireless providers have expressed strong appreciation for the level of service they have enjoyed, and none have identified any persistent impediments to conducting their business; and

WHEREAS, telecommunications companies have proposed House Bill 2564 which seeks to eliminate the authority of all local governments within the commonwealth to regulate small cell wireless facilities and related equipment on public property and in public ROW; and

WHEREAS, the proposal is extremely broad and would give telecommunications companies and financial speculators nearly unrestricted access to any municipal structure that can support a wireless antenna – street lights, stop signs, water towers, public right of way, utility poles, etc. – and prohibits municipalities from recovering their costs in many cases; and

WHEREAS, the proposal raises serious safety and security concerns for the City of Philadelphia and will result in the proliferation of new utility poles within the public ROW; and

WHEREAS, adoption of the legislative proposal would take decisions about the safety and aesthetics of municipal ROW and public properties out of the hands of local officials who answer directly to residents; and

WHEREAS, The Office of the Managing Director submitted the concerns of the Mayor’s Administration to the House Committee on Consumer Affairs which is currently considering the proposal, summarizing these positions and more; and

WHEREAS, this Council joins in strongly opposing the House Bill 2564 and urges the members of the Pennsylvania Legislature to stop this measure;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we do hereby call on the Legislature of the Commonwealth of Pennsylvania to Oppose House Bill 2654, a Proposal Concerning Small Cell Wireless Facilities, Which Would Remove Local Control of the Public Right of Way and Municipal Infrastructure; and be it

FURTHER RESOLVED, that the City of Philadelphia reaffirms and stands in support of efforts to Protect the Authority of Municipalities and Cities of the First Class to Regulate the Public Right of Way; and be it

FINALLY RESOLVED, that copies of this resolution be directed to the Leadership of the House and Senate of the Commonwealth, the Members of the House Committee on Consumer Affairs, and all House and Senate Members of the Commonwealth's Philadelphia Delegation.

Bobby Henon
6th District

Darrel Clarke
5th District

Brian O'Neill
10th District

Mark Squilla
1st District

Jannie Blackwell
3rd District

September 13, 2018