

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND
MICHAEL D. ANTONOVICH

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There is an ongoing debate within the scientific community and among governing bodies throughout the world regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio-frequency emissions are understood. In particular, questions have been raised regarding how well the existing regulations established by the Federal Communications Commission protect more vulnerable populations such as school-aged children, and how well they protect against the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities.

Unfortunately, Section 704 of the Federal Telecommunications Act of 1996 prevents local governments, including the County of Los Angeles, from opposing the placement of personal wireless service facilities on the basis of the environmental or health effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions. In addition, the California Public Utilities Code unfairly limits the authority of local governments to regulate wireless facilities in public rights of way.

As long as questions exist as to the adequacy of these federal regulations, local

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MOLINA _____

RIDLEY-THOMAS _____

YAROSLAVSKY _____

ANTONOVICH _____

KNABE _____

governments should have the ability to include a consideration of the health and environmental effects of these facilities when deciding whether or not to approve the construction or modification of a cellular communications facility. The County should also have expanded discretion to decide how, when and where cellular facilities should be sited within the road right of way due to the unique aesthetic and safety issues that these facilities raise.

WE, THEREFORE, MOVE that the Board of Supervisors instruct the County's legislative advocates to actively seek and support federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996 that infringe upon the authority of local governments to regulate the placement, construction, and modification of telecommunications towers and other personal wireless services facilities on the basis of the health and environmental effects of these facilities, and to submit comments on the National Broadband Policy in furtherance of these policy goals prior to the June 8, 2009 comment deadline.

WE FURTHER MOVE that the Board of Supervisors instruct the County's legislative advocates to actively seek and support state legislation that would give local governments greater flexibility to regulate the placement of cellular facilities within the road right of way given the unique aesthetic and safety issues that these facilities raise.

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