

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Collocation & Streamlined Tower Siting Act

Summary

This Act promotes and encourages the collocation of wireless facilities by revising and streamlining the approval process for additions to existing tower sites and expediting the permitting process for new sites.

Model Legislation

The people of the State of _____ do enact as follows:

Section 1. {Short Title}

This Act shall be known as the "Collocation & Streamlined Tower Siting Act."

Section 2. {Legislative Findings and Declarations}

To encourage the collocation of wireless facilities to enhance the deployment of advanced wireless telecommunication services, while streamlining the approval processes employed by state and local units of government regarding wireless communication infrastructure within their jurisdiction, the Legislature finds and declares all of the following:

Section 3. {Definitions}

1. "Antennae" means any device that facilitates the transmission of CMRS.
2. "Local government" means any county, city, town, or village within the State, or any subdivision, agency, department, or instrumentality of the State or of any such county, city, town, or village.
3. "State (Public) rights-of-way" means the surface and the area across, in, over, along, upon and below the surface of the public streets, roads, bridges, sidewalks, easements, lanes, courts, ways, alleys, and boulevards, including, public lands and waterways used as public rights-of-way, as the same now or may thereafter exist, which are under the jurisdiction or control of a unit of government.
4. "Wireless telephone service" means Commercial Mobile Radio Services ("CMRS") as defined in 47 C.F.R. Section 20.3
5. "Wireless communications facility" means facilities and equipment, including but not limited to any and all associated equipment and software, used directly or indirectly in the provision of telecommunications and/or wireless telecommunications services.
6. "Wireless telephone provider" means any person engaged in the offering of communications services utilizing the radio frequency spectrum or a provider of Commercial Mobile Radio Services ("CMRS") as defined in 47 C.F.R. Section 20.3.

Section 4. Encouraging collocation

1. Collocation among wireless telephone providers is encouraged by the state. To further facilities agreements among provides for collocation of their facilities, any antennae and related equipment to service the antennae that is being collocated on an existing above-ground structure is not subject to land development regulation, provided the height of the existing structure is not increased. However, construction of the antennae and related equipment is subject to local building regulations and any existing permits or agreements for such property, buildings, or structures. Nothing herein shall relieve the permit holder for or owner of the existing structure of compliance with any applicable condition or requirement of a permit, agreement, or land development regulation, including any esthetic requirements, or law.

2. Local governments shall not require providers to provide evidence of a wireless communications facility's compliance with federal regulations. However, local governments shall receive evidence of proper Federal Communications Commission licensure from a provider and may request the Federal Communications Commission to provide information as to a provider's compliance with federal regulations, as authorized by federal law.

Section 5. Streamlined Statewide Tower Siting Permitting and Application

Did you know that global telecommunication's company AT&T was the corporate co-chair in 2011?

1. A local government shall grant or deny a properly complete application for a permit, including permits under paragraph (a), for the collocation of a wireless communications facility on property, buildings, or structures within the local government's jurisdiction within 45 business days after the date the properly completed application is initially submitted in accordance with the applicable local government application procedures, provided that such permit complies with the applicable federal regulations and applicable local zoning or land development regulations, including any aesthetic requirements. Local building regulations shall apply.

2. A local government shall grant or deny a properly completed application for a permit for the siting of a new wireless tower or antenna on property, buildings, or structures within the local government's jurisdiction within 90 business days after the date the properly completed application is initially submitted in accordance with the applicable local government application procedures, provided that such permit complies with applicable federal regulations and applicable local zoning or land development regulations, including any aesthetic requirements. Local building regulations shall apply.

(a) The Local government shall notify the permit applicant within 20 business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, shall make the application properly completed.

(b) If the local government fails to grant or deny a properly completed application for a permit which has been properly submitted within the timeframes set forth in this paragraph, the permit shall be deemed automatically approved and the provider may proceed with placement of such facilities without interference or penalty. The timeframes specified in subparagraphs 1 and 2 shall be extended only to the extent that the permit has not been granted or denied because the local government's procedures generally applicable to all permits, require action by the governing body and such action has not taken place within the timeframes specified in subparagraphs 1 and 2. Under such circumstances, the local government must act to either grant or deny the permit at its next regularly scheduled meeting or, otherwise, the permit shall be deemed to be automatically approved.

(c) To be effective, a waiver of the timeframes set forth herein must be voluntarily agreed to by the applicant and the local government. A local government may request, but not require, a waiver of the timeframes by an entity seeking a permit, except that, with respect to a specific permit, a one-time waiver may be required in the case of a declared local, state, or federally emergency that directly affects the administration of all permitting activities of the local government.

(d) Any additional wireless communications facilities, such as communication cables, adjacent accessory structures, or adjacent accessory equipment use in the provision of cellular enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. Local building and land development regulations, including any aesthetic requirements, shall apply.

(e) Any other provision of law to the contrary notwithstanding, [inset appropriate department] shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property and the [inset the appropriate department] shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way. On property acquired for transportation purposes, leases shall be granted in accordance with the applicable law. On other state government-owned property, leases shall be granted on a space available, first-come, first-served basis. Payments required by state government under a lease must be reasonable and must reflect the market rate for the use of the state government-owned property. The [inset appropriate department] are authorized to adopt rules for the terms and conditions and granting of any such leases.

(f) Any wireless telephone service provider may report to the appropriate Public Safety Answering Point governing the board the specific locations or general areas within a county or municipality where the provider has experienced unreasonable delay to locate wireless telecommunications facilities necessary to provide the needed coverage for compliance with the federal Phase II E911 requirements using its own network.

Section 6. {Severability}

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act, which are to be given effect without the invalid provision or application, and to this end the provisions of this Act are deemed servable.

Section 7. {Effective Date}

This bill will become effective upon enactment.

Adopted by ALEC's Telecommunications & Information Technology Task Force at the Annual Meeting August 1, 2003. Approved by full ALEC Board of Directors August, 2003.

