



Legislation Text

File #: Res 0446-2004, **Version:** *

Res. No. 446

Resolution urging the United States Senate to adopt S.3103 and the United States Congress to adopt H.R.5632, which would amend the Communications Act of 1934 to clarify and reaffirm state and local authority to regulate the placement, construction and modification of broadcast transmission facilities.

By Council Members Vallone, Avella, Brewer, Jackson, Liu, Nelson, Sanders, Gerson, Gennaro and Gentile

Whereas, According to “Talking Points - Wireless in the Community,” by T-Mobile, the number of Americans using wireless services has increased more than 1,000 percent in the past decade, to approximately 135 million users; and

Whereas, In order to respond to the growing demands in cellular usage and to provide efficient cellular service, cellular providers have created networks of cell sites using wireless antennas; and

Whereas, These wireless antennas, also called base stations, are communication devices that receive and transmit radio frequency (“RF”) energy; and

Whereas, In order to provide quality reception to their cellular customers, cellular carriers must erect cell sites that have little obstruction between the cell site and their customers; and

Whereas, In New York City, where tall buildings frequently block wireless signals, cellular carriers have constructed many cell sites, also known as base stations, throughout the City; and

Whereas, The proliferation of these base stations has caused major concern in New York City about the possible health effects that such stations may cause; and

Whereas, While the Federal Communications Commission, the agency responsible for regulating wireless antenna emissions, stated in its report, entitled Questions and Answers about Biological Effects and Potential Hazards of Radio-Frequency Electromagnetic Fields (“Q&A”), that it is unlikely that persons living

or working within buildings with rooftop cellular and Personal Communications Service (PCS) antennas would be exposed to RF levels that could approach or exceed applicable safety limits, that statement is contradictory to other statements contained in Q & A, for example, that further investigation is needed to confirm the finding by some scientific literature which suggests that exposure to relatively low levels of RF radiation may cause human health hazards; and

Whereas, In addition, The World Health Organization states that although it is unlikely that exposure to RF from base stations will lead to cancer, there are also gaps in knowledge that need to be filled, such as the long-term effects of multiple base stations in a small area, before better health risk assessments about the effects of base stations can be made; and

Whereas, Despite the prevalence of base stations in New York City, there seems to be no definite answer regarding the potential adverse health effects posed by living and working near these base stations; and

Whereas, The federal Telecommunications Act of 1996 (TCA) preempts state and local governments from basing decisions regarding where to site personal wireless services facilities (base stations for mobile phones, pagers, wireless internet, etc.) on the environmental effects of the RF radiation emissions this technology requires in order to operate; and

Whereas, Currently, the FCC is the sole regulator of RF radiation emissions from cellular base station antennas; and

Whereas, If passed, S.3103 and H.R. 5632 would allow state and local governments to regulate the placement, construction and modification of broadcast transmission facilities, which would include cellular phone towers; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Senate to adopt S.3103 and the United States Congress to adopt H.R.5632, which would amend the Communications Act of 1934 to clarify and reaffirm state and local authority to regulate the placement, construction and modification of broadcast transmission facilities.

DP
LS# 1101
6/22/04