

City of Takoma Park, Maryland

Office of the City Council

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January 23, 2019

Dear Senator Smith and Delegates Moon, Wilkins, and Charkoudian,

As the Federal Communications Commission (FCC) moves forward with regulations that could result in the installation of small cell towers in close proximity to homes, many residents of Takoma Park, Montgomery County, and indeed the State of Maryland are concerned about the potential impacts the location of these towers may have on their health, property values, the environment, and safety. The City of Takoma Park is also concerned about a proliferation of towers and equipment in City rights-of-way and their potential impact on neighborhood aesthetics, sidewalks, streets, and trees. Importantly, the FCC's action is another example of where another level of government is preempting a local government's right to regulate its own rights-of-way as it deems is in the interest of residents.

The City of Takoma Park is under Montgomery County's zoning authority. Therefore, restrictions on setbacks and zoning regulations regarding wireless telecommunications facilities within the City are governed by the County. We share the County's desire to have reasonably regulated and orderly deployment of wireless telecommunications facilities as unregulated or disorderly deployment represents a threat to the health, welfare, environment, and safety of our community. However, when the Planning Board and the prior County Council were reviewing and passed ZTA 18-02, there was no outreach to the City. As a result, we relayed a number of unaddressed concerns with the passed legislation, as well as some requests for better communication and coordination. We are still awaiting a response.

On our part, the City of Takoma Park passed a [resolution](#) in December and an [ordinance](#) in January (both attached to this letter) – just before the FCC ruling went into effect – to regulate the placement of antennas in our rights-of-way. In developing these documents, our goals were to protect and preserve the aesthetics in the community, the values of properties, and to ensure that all wireless telecommunications facilities are installed using the least intrusive and safest means possible. We also wish to have high-speed wireless service throughout the community that is accessible to all.

One area where we are seeking additional information relates to the State Highway Administration's process for reviewing cell antenna applications for State rights-of-ways. This is of critical importance because many applications will be for cell antennas that fall within municipal limits but are not in the municipality's right-of-way. At present, it is not clear how these applications are handled and what opportunities municipalities have to weigh in.

We wanted to make sure that you were aware of our efforts and concerns, and request your assistance where possible in protecting the rights and interests of Takoma Park residents.

Sincerely,

The Takoma Park City Council

Kate Stewart, Mayor

Peter Kovar, Ward 1 Councilmember

Cindy Dyballa, Ward 2 Councilmember

Kacy Kostiuik, Ward 3 Councilmember

Terry Seamens, Ward 4 Councilmember

Jarrett Smith, Ward 5 Councilmember

Talisha Searcy, Ward 6 Councilmember

- Enclosures:
- 1) Resolution Identifying the Council's Goals in Amending Takoma Park Code, Chapter 11.12, Permits and Improvements to Regulate the Installation of Telecommunications Equipment in City Rights-of-Way

 - 2) Ordinance Amending Takoma Park Code, Chapter 11.12, Permits and Improvements to Regulate the Installation of Telecommunications Equipment in City Rights-of-Way