

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Federal Communications Commission (FCC) states that radio, television and cellular antennas transmit radio frequency energy, also referred to as radio frequency radiation; and

WHEREAS, the FCC states that exposure to high levels of radio frequency radiation can result in harmful biological effects; and

WHEREAS, the federal Telecommunications Act of 1996 limits the ability of state and local governments to regulate the siting of cell phone towers relative to health concerns by stating, "No State or local government...may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations"; and

WHEREAS, the California Public Utilities Code states that local entities can impose reasonable time, place and manner restrictions on towers in the public right-of-way, but the code does not incorporate environmental effects; and

WHEREAS, federal law requires the FCC to evaluate the effects of radio frequency radiation; however, there is no federally mandated radio frequency exposure standard; and

WHEREAS, the City should support the regulation of hazards including radio frequency radiation given the City's responsibility to protect the health and welfare of its citizens;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2009-2010 Federal Legislative Program SUPPORT of legislation revising the Federal Telecommunications Act to require the consideration of the health and environmental effects of radio frequency radiation in the siting of cell phone towers, and includes in its 2009-2010 State Legislative Program SUPPORT of legislation amending the California Public Utilities Code to grant local governments authority to regulate wireless facilities in public rights-of-way pursuant to local planning and zoning ordinances.

PRESENTED BY: _____

JANICE HAHN
Councilmember, 15th District

SECONDED BY: _____

jr

SEP 16 2009