

3. In Section (b)(2) of the petition, the petitioner requests a blanket preemption of any state or local land-use, building or *similar* law, rule or regulation that impairs the ability of federally authorized radio or television operators to place, construct or modify broadcast transmission facilities. In essence, this would be a blanket permit to place broadcast facilities anywhere. Proposed exemption from this preemption would require the local government to establish that the regulation is reasonable in relation to other health or safety issues, federal interests in requiring public broadcast services, and fair and effective competition among competing electronic media. We have several concerns regarding this section.
 - (1) The county would certainly not have the facility, expertise, or time to research, interpret and document the areas of health, safety, federal concerns or market concerns of emerging technologies required to justify applicability of our codes to broadcast facility placement.
 - (2) Other concerns are obstacles in Hawai'i to broadcast facility placement, relating to economic, cultural, religious, aesthetic, and business effects. Our local economy is driven by tourism and the natural beauty of Kaua'i's environment. Numerous industries depend on the aesthetic integrity of the natural environment, pumping millions of dollars into the local economy. The federal interest in providing and promoting broadcasting services to the public should not preempt the livelihood of the community it seeks to serve.

The subject document does not address the tower heights or other infrastructure involved in DTV or other emerging broadcast technologies. Therefore, a blanket preemption would be inappropriate, as possible effects on the local communities, other than improved broadcast reception, cannot be known or evaluated.

In the past, the local government and community have generally resolved placement of towers and antennas with broadcasters to minimize the adverse effects on the environment and the local community. Towers are generally concentrated in several locations on the island, and relocation of antennas to new towers in these vicinities should be less difficult than establishing new sites.

Office of the Secretary
Federal Communications Commission
Page 3
October 30, 1997

In our areas of county jurisdiction, permits which may be required include Class IV Zoning, Use, Special and Variance Permits, which generally require a public hearing and an average of 60-120 days for simultaneous processing. Usually, advance planning and contact with the department and community can significantly shorten processing times. Building permits are required by the County Department of Public Works (DPW), in which review and approval is obtained from the Planning, Fire, Water, and State Health Departments, and DPW Engineering and Building Divisions. Such processing can take up to six additional weeks.

Should you have any question regarding our concerns, please do not hesitate to contact me or Ms. Barbara Pendragon of our staff.



DEE M. CROWELL
Planning Director

MM97-182

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FCC MAIL ROOM

Southern Illinois University at Carbondale
Carbondale, Illinois 62901

College of Applied Sciences and Arts

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Washington, DC 20554
Reference Docket Number 97-296

October 30, 1997

Having reviewed the Notice of Proposed Rulemaking, Docket Number 97-296 we have the following comments and/or concerns regarding the proposed rule. After thorough review here at Southern Illinois University at Carbondale by faculty and students in the Aviation Management and Flight department we would like to submit the following concerns regarding the implementation of this rule.

We feel that construction of these towers without Federal Aviation Administration authorization would seriously jeopardize airport pattern traffic safety and safety of flight for General Aviation and the Major Carriers could suffer if these towers are constructed and not properly identified on aeronautical charts.

We are also concerned that location of these towers could conflict with radio transmissions which are essential to air navigation and communication. The proximity to navigation aides, control towers and air routes could interfere with the reception and transmission of air traffic information. The result of this miscommunication could cause aircraft to be off course and cause confusion between air traffic controllers and pilots.

If the Federal Communications Commission is to arbitrarily erect transmission towers without state and local authority we can foresee these towers going up like weeds without the proper consideration given to air traffic safety.

In conclusion we feel that publication of this proposal as a final rule reflects overlapping authority of two federal agencies which could result in catastrophic accidents.

Sincerely yours

D. S. Worrells
Assistant Professor
Aviation Management & Flight
SIUC
Carbondale, IL 62901-6623

Jon Sorensen
Airframe and Powerplant Mechanic
1214 East Pleasant Hill Rd.
#13
Carbondale, IL 62901

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NOV - 4 1997

CITY of HOLLYWOOD, FLORIDA

DEPARTMENT OF DEVELOPMENT ADMINISTRATION

Community Planning Division

October 29, 1997

Mr. William F. Caton
 Acting Secretary
 Office of the Secretary
 Federal Communication Commission
 Washington, D.C. 20554

Re: Notice of Rule Making: MM Docket No. 97-182
 In the Matter of:
 Preemption of Local Zoning and Land Use Restriction on the Siting, Placement,
 and Construction of Broadcast Station Transmission Facilities

Dear Mr. Secretary:

The City of Hollywood Community Planning Division (Department of Development Administration) objects to the preemption of the City's Land Use and Zoning authority to regulate the siting, placement, or construction of transmission facilities designed to accommodate digital television ("DTV") service.

Our objection to the proposed rule changes is based in part on the substantial new tower and antenna construction anticipated by the "Notice". This includes the following statements:

- a) Approximately 66% of existing television broadcasters will require new or upgraded television towers to support DTV service.
- b) Due to increased weight and windloading of DTV facilities and other tower constraints, a number of FM stations which have located their FM antennas on television towers will be forced to relocate on other towers or construct new transmission facilities.

The City of Hollywood Community Planning Division is sensitive to the importance of a viable radio and broadcast system and the public interest these media services. However, this public interest should be balanced against local zoning and land use regulations designed to protect the welfare of the citizenry.

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It is our position the proposed rule changes:

- a) do not provide an opportunity for the City of Hollywood to determine that the public welfare of city residents is being protected, and
- b) do not provide an opportunity for citizen input into proposed tower sitings within and adjacent to residential areas.

For these reasons, the Community Planning Division objects to this Notice of Rule Making as stated in MM Docket No. 97-182.

It is our belief that alternative language can be drafted which allows both rapid implementation of DTV service facilities while still maintaining safeguards for our residential communities. The Hollywood Community Planning Division would be happy to work with the Federal Communication Commission in the drafting of such language.

Please contact me at (954-921-3471) if you require any additional information.

Very truly yours,



Laurence Leeds, AICP
Acting Director
Community Planning Division

cc: Samuel A. Finz, City Manager
George R. Keller, Jr, AICP, Director, Department of Development Administration

t:\fcc1030.97

Vernon Township Supervisors
Charles A. Longo
Norman I. Cronin
Gary L. Dillaman
Howard N. Stewart
Jean Swartwood



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Meeting 7:30 PM
First Thursday
Each Month

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NOV - 4 1997

FCC MAIL ROOM

October 30th, 1997

Office of Secretary
Federal Communications Commission
Washington D.C. 20554

Dear Sirs:

The Vernon Township Board of Supervisors passed a resolution opposing the proposal for new regulations for the FCC. The FCC proposal is MM Docket No 97-182 and would preempt local zoning regulations.

The Vernon Supervisors feel very strongly that the proposal would be an injustice to local authority where local officials are in "touch" with the majority of the people. They felt it did not make sense locating towers or other obtrusive structures in residential zones next to beautiful surroundings!

Thank you for your support and vote in opposition to the new FCC proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Stone', is written over the typed name.

David W. Stone

Vernon Township Manager

CC: Senator Spector & Santorum
Congressman English

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AVIATION ASSOCIATION OF INDIANA

MM 97-182

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FCC MAIL ROOM

October 28, 1997

Office of the Secretary
Federal Communication Commission
Washington, D.C. 20554

Dear Sir/Ma'am:

I am writing to you on behalf of the Aviation Association of Indiana (AAI) in reference to proposed rule 47 CFR Part 1 (Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Transmission Facilities). AAI, which is a trade organization representing all aspects of aviation in Indiana, strongly opposes this rule being approved.

The safety of the flying public should not come at the expense of better television reception. We believe they both can exist without undue hardship. By preempting the state and local zoning regulations, it will cause safety problems. The airports were built first and have made decisions about their airport based on current zoning. By changing direction midcourse, years of planning will be lost. In addition, towers constructed in certain places will hamper airport operations.

Indiana has more than 115 public-use airports that are currently regulated by the Indiana Department of Transportation, Aeronautics Section tall structure regulations. Indiana's airports account for more than \$3.1 billion a year and AAI's member airports represent over 99% of this total. These airports represent hundreds of millions of dollars in infrastructure and are at great jeopardy if this rule goes into effect.

Sincerely;

Raymie Eckerle
President, AAI

cc: Indiana Congressional Delegation

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MM97-182

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NOV - 4 1997

Ronal W. Larson, PhD
21547 Mountsfield Drive
Golden, CO 80401; larcon@sni.net

FCC MAIL ROOM

October 30, 1997

Mr. William Caton, Secretary to the FCC
Office of the Managing Director
1919 M Street, NW
Washington DC 20554

Dear Mr. Caton:

I am writing on the docket created by the proposal from the National Association of Broadcasters to "streamline" the approval procedures for HDTV tower additions by County Commissioners. I strongly urge rejection of the NAB proposal. I write privately as part of a citizen's committee that has also written jointly. I write with a new idea (below). I find personally that our citizen's group has acted calmly and deliberately months ahead of any County or broadcaster action. Fortunately, now the county (Jefferson County in Colorado) is responding nicely as well. I know the County has written a lengthy letter also in protest of the NAB position, with much greater legal specificity than any citizen group could muster.

Jefferson County is reputed to have one of the worst antenna complexes in the nation in its site on Lookout Mountain. Measurements a year ago show that hot spots (exceeding the ANSI standards) already exist. To add more HDTV antennas here without allowing the County a chance to engage in proactive consideration of solutions that entail more than the convenience of the broadcasters would be exceedingly short-sighted.

Now my new idea. In your deliberations on the NAB proposal, I hope you will give consideration to at least one site visit. I do not believe you can visit a better site than Jefferson County. I can assure you that you will find a knowledgeable citizen group, a knowledgeable county Planning Department and County Commissioners - and of course many competing tower site owners, all with different agendas.

Jefferson County seems sure to have a Towers workshop in February. It would be a wonderful time for the FCC to attend, if not participate fully. The issues that Jefferson County faces are undoubtedly the same that many counties will and our timing is possibly ideal for your own decision processes. If February is too late, please schedule a trip earlier. I personally will be pleased to assist in your trip or its planning in any way that you think could be helpful.

Thank you for your consideration of this problem. I understand the NAB desire for expedited procedures, but am quite sure that the greater social welfare will not be well served by a such a decision from the FCC.

Sincerely



Ronal W. Larson

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MP07-182
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FCC MAIL ROOM ST. CLAIR COUNTY BOARD

10 Public Square • Room B561 • Belleville, Illinois 62220-1623

JOHN BARICEVIC
CHAIRMAN

(618) 277-6600
FAX: 277-2868

October 29, 1997

Federal Communications Commission
1919 M Street NW
Washington, D. C. 20554

Gentlemen:

Enclosed please find a resolution adopted by the St. Clair County Board opposing federal preemption of local zoning as it relates to broadcast towers. Your assistance in this effort will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "John Baricevic".

JOHN BARICEVIC, Chairman
St. Clair County Board

JB/dh
Enclosure

cc: Hon. Jerry F. Costello
Hon. John Shimkus
Hon. Richard Durbin
Hon. Carol Moseley-Braun
Hon. Glenn Poshard

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NOV - 4 1997

RESOLUTION NO. 145-97

FCC MAIL ROOM

RESOLUTION OPPOSING FEDERAL COMMUNICATIONS COMMISSION (FCC)
PREEMPTION OF LOCAL ZONING PERTAINING TO
BROADCAST TOWERS IN ST. CLAIR COUNTY.

WHEREAS, St. Clair County strongly opposes the FCC issuance of a rule making (Docket No. 97-182) which would preempt the local zoning authority over television and radio broadcast towers; and

WHEREAS, county governments need to be concerned with this rule because it would severely preempt local zoning authority over the siting and construction of these towers; and

WHEREAS, this law would require local governments to act on all zoning and building permit requests for broadcast towers construction within 21 to 45 days, ignoring current local procedures on zoning requests and failure to do so within these time limits, would cause the request to be automatically granted; and

WHEREAS, even acting within these time constraints, the proposed FCC rule would preempt all local zoning and building permit requirements unless the county could demonstrate the requirement was reasonable in order to meet health or safety objectives; and

WHEREAS, other requirements such as aesthetics, property values and environmental considerations would be preempted entirely; and

WHEREAS, any broadcaster unhappy with a local decision could appeal directly to the FCC rather than going through the court system which is the current practice and county governments would

be required to defend themselves at the FCC in Washington rather than in local State and Federal courts.

WHEREAS, reasonable local siting authority is necessary to insure safe residential neighborhoods that maintain a non-business atmosphere and local government, not the FCC, is best suited to reasonably siting towers.

NOW THEREFORE IT BE RESOLVED that in order to maintain St. Clair County control of placement and upgrade of towers, we urge legislative support to preserve local authority control in the estimated 1000 towers the industry claims are needed.

APPROVED AND ADOPTED by the County Board of St. Clair County, State of Illinois, this 27th day of October, 1997.


Chairman of the Board

ATTEST:


Clerk of the Board



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

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BRADLEY H. JONES, JR.
STATE REPRESENTATIVE
21ST MIDDLESEX DISTRICT

249 PARK STREET
NORTH READING, MA 01864

COMMITTEES:
COMMERCE AND LABOR
HOUSING AND URBAN DEVELOPMENT
FEDERAL FINANCIAL ASSISTANCE

ANDREA K. NEWMAN
CHIEF LEGISLATIVE AIDE

DISTRICT OFFICE
636 MAIN STREET
READING, MA 01867
TEL. (617) 944-7676

TEL. (617) 722-2460

E-MAIL:
Rep.BradleyJones@house.state.ma.us

October 30, 1997

Office of Secretary
Federal Communications Commission
Washington, D.C. 20554

To Whom It May Concern,

I am writing in regard to FCC proposal MM Docket No. 97-182 Preemption of State and Local Zoning and Land Use Restrictions on the Citing, Placement and Construction of Broadcast Station Transmission Facilities. I am extremely concerned that the proposed changes undermine local municipalities.

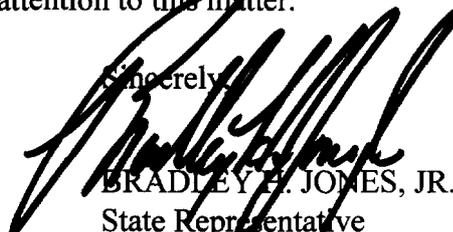
I am concerned that if local authorities are not informed as to proposed construction, or do not respond in a timely manner, that construction may not be able to be prevented, regardless of any negative impacts on the community.

In addition, this proposal will allow towers to be erected next to existing residential subdivisions over the objection of the community.

Please reconsider the passage of this proposal, as it will not only be a danger to aviation safety, but will allow the federal government to remove the zoning authority of towns, counties, and states.

Thank you for your time and attention to this matter.

Sincerely,



BRADLEY H. JONES, JR.
State Representative
21st Middlesex District

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CITY OF GRANT

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TELEPHONE: 308-352-2100

FAX #: 308-352-2358

346 CENTRAL AVENUE

PO Box 614

GRANT, NEBRASKA 69140-0614

NOV - 4 1997

FCC MAIL ROOM

October 28, 1997

DOCKET FILE COPY ORIGINAL

Office of Secretary
Federal Communications Commission
Washington, D. C. 20554

Re: MM Docket No. 97-182

To Whom It May Concern:

On behalf of the City and citizens of Grant, Nebraska, I wish to state my objections to the FCC docket number referenced above regarding the preemption of state and local zoning and land use restrictions on the siting, placement and construction of broadcast station transmission facilities.

To take away zoning authority at the local level and give it to a federal agency is contrary to the principles of our democracy and gives a federal agency the ability to dictate policy that will only benefit these organizations. If authority is denied, it can cause problems because Grant and surrounding areas are prone to low ceilings and visibility.

All too often, small communities such as our's are "blindsided" by events that occur at the federal level without any concern for how these decisions impact on our local citizens. We, the local government, must then deal with an angry public who feel they have been betrayed. The public then develops a lack of trust in their local governing body when it comes to their safety and well-being.

Will the broadcasters and FCC provide a guarantee that the proper short-term and long-term safeguards are in place? Can the FCC or broadcasters guarantee that funding will be readily available to assist affected communities? Will the FCC guarantee that broadcasters will adequately inform the residents? We don't believe this will happen. How many federal mandates and their associated costs have been imposed on local governments without regard of their consequences?

The local government is always willing to work with the FCC and broadcasters to provide better services. Grant, Nebraska, has a communications tower within its city limits. We worked diligently at all levels to accommodate this facility, and the process

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worked very well. It worked well because the local government and local zoning authority coordinated with the FCC and the broadcasters to ensure the public was quickly and adequately informed.

Keeping zoning authority at the local level is not a stumbling block as the broadcasting industry would lead you to believe, but rather, it is a stepping stone to better communication and a better future.

Sincerely,

A handwritten signature in cursive script that reads "Lloyd Logsdon".

Lloyd Logsdon
Mayor

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FCC MAIL ROOM

October 29, 1997



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Mr. William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: Docket 97-182
Federal Communications Commission's (FCC) Notice of
Proposed Rulemaking (NPRM) to preempt state and local zoning
and land use restrictions on the siting, placement and
construction of broadcast facilities.

Dear Mr. Caton:

On behalf of the citizens of City of Grand Prairie, Texas and its municipal airport tenants and users, I strongly oppose the preemption of local zoning regulations as they relate to tower construction and the impact that such towers may have on our airport's operations.

Grand Prairie Municipal Airport (GPM) is located within the Dallas/Fort Worth Metroplex and is already limited in the services that it can provide to the airport operators due to its proximity to DFW Airport. To allow the FCC to arbitrarily permit placement of towers that would further limit the accessibility to our airport would not only be detrimental to the private and corporate aviation business activity, but it could very likely negatively impact safety by raising the minimums for approach. And, it would, most certainly, have a significant impact on the expansion of GPM and other airports in the vicinity and across the nation.

Only the FAA should be involved in the determination as to whether or not a broadcast tower or other construction is in fact an obstacle to aircraft. The FCC's NPRM would encroach on FAA's jurisdiction as it relates to safe management of the nation's airspace. And, it would negate virtually the only enforcement tool available to our City's planning and zoning functions.

Thank you for the opportunity to comment on this matter of importance to the City of Grand Prairie.

Sincerely,

Charles England
Mayor

City of Grand Prairie
1100 Grand Prairie
Grand Prairie, TX 75045
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Page 2 NOV 4 1997

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cc: Gary Gwyn, City Manager
Anna Doll, Deputy City Manager
Kevin Evans, Deputy City Manager
Craig Farmer, Director of Planning and Zoning
Loretta Scott, Airport Director

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Ronald L. Samsal
7511 Wade Circle
Anchorage, AK 99518
Ph(907) 344-1437

October 26, 1997

Office of Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 200554

Attention: Docket # FCC 97-182

I am opposed to the FCC Notice of Proposed Rule Making (NPRM) Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement, and Construction of Broadcast Transmission Facilities.

I strongly opposes this on the grounds that preemption of state and local zoning laws, ordinances and regulations will result in new hazards to aerial operations, aircraft and passengers in the U.S.. I strongly feel this proposal is a total abandonment of SAFETY considerations.

Sincerely yours,

Ronald L. Samsal

Ronald L. Samsal

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