

DOCKET FILE COPY ORIGINAL

November 18, 1997

Gregory E. McKnight
1610 Woodland Road
Green Lane, PA. 18054

Office of the Secretary
Docket 97-182
Federal Communications Commission
Washington, DC 20554

I support the EAA letter AGAINST Docket No. 97-182.

Sincerely,



Gregory E. McKnight

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



Office of the Mayor 510-577-3356
FAX 510-577-3340

November 26, 1997

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RECEIVED
NOV 26 1997
CITY CLERK
Senator Dianne Feinstein
1700 Montgomery Street, Suite 305
San Francisco, CA 94111

Congressman Pete Stark
9th Congressional District
39300 Civic Center Drive
Fremont, CA 94538

Senator Barbara Boxer
1700 Montgomery Street, Suite 240
San Francisco, CA 94111

Re: Federal Preemption of Local Zoning of Cellular, Radio, and TV Towers—**OPPOSE**

Dear Senator Feinstein, Senator Boxer, and Congressman Stark:

I am writing to register the City of San Leandro's strong opposition to the efforts by the Federal Communications Commission (FCC) to preempt local zoning authority of cellular, radio, and television towers. Specifically, the FCC has issued proposed rulemakings in three different proceedings—WT 97-197, MM 97-182, and DA 96-2140—that would significantly impact the ability of cities to serve their citizens.

First, the City is particularly concerned that under one of the proposed rulemakings, the FCC could reverse *any* local zoning decision if there is any evidence showing that a concern over radio-frequency (RF) radiation was a factor in the decision. This rulemaking directly contradicts the 1996 Telecommunications Act in which Congress preserved local zoning authority over cellular towers with the sole exception that municipalities cannot deny cell-site requests on the basis of health concerns if the radiation emissions are within the federal safety guidelines. We urge you to oppose this rulemaking, and protect cities and their residents from being penalized for expressing their concerns over radiation in ways that are specifically allowed by Congress and the Constitution.

Second, the City opposes the FCC's proposed rulemaking that a municipality's failure to act on any zoning request for broadcast towers within 21 to 45 days would result in the request automatically being granted, *irrespective of local requirements for notice to adjoining landowners, hearing requirements, appeal periods, and the like*. While we are sensitive to industry concerns that tower construction not be unduly delayed by local politics, this proposed time limit would prevent cities from addressing important zoning issues such as safety, property

Senator Feinstein, Senator Boxer, and Congressman Stark

November 26, 1997

Page Two

values, the preservation of historic districts, and aesthetics. Zoning has long been recognized as a local concern that cannot and should not be administered perfunctorily by a federal entity.

Finally, the City opposes the FCC's attempt to ban any moratoria that are more than three months in duration and to invalidate moratoria that it concludes were tainted by radiation concerns. In many cases, moratoria are useful zoning tools that allow cities to temporarily suspend certain classes of zoning approvals while needed zoning amendments are made.

The City of San Leandro is attuned to the conflicting concerns over broadcast towers. We know that Bay Area residents, like many people across the country, demand mobile telephones, pagers, high-definition television, and other trappings of the Information Age. At the same time, people reject the unsightly towers and antennas that make the technology work, arguing that the antenna sites lower property values, ruin the landscape, and pose health problems. Cities must be permitted to address these concerns on a local level. It is those of us working at the local level who can best strike a balance between meeting the needs of our citizens and the technical requirements of the technology providers.

We urge you to contact Mr. William Kennard, Chairman Designate of the Federal Communications Commission, at 1919 M Street NW, Washington, D.C. 20554, and ask that he terminate all rulemaking actions in Case Nos. WT 97-197, MM 97-182, and DA 96-2140.

Thank you in advance for your assistance.

Sincerely,

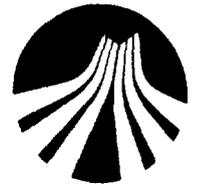
A handwritten signature in black ink that reads "Ellen M. Corbett". The signature is written in a cursive, flowing style.

Ellen M. Corbett
Mayor

EMC/php

cc: Mr. William F. Caton, Acting Secretary, FCC (6 copies)
Attached Distribution List

MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY



OFFICE: MEMPHIS INTERNATIONAL AIRPORT
P. O. BOX 30168 / MEMPHIS, TENNESSEE 38130-0168
OFFICE: 901-922-9000 / FAX 901-922-9099
Internet web page address <http://www.mscaa.com>

November 24, 1997

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Office of the Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Mr. Secretary:

This letter is written in conjunction with comments previously submitted by the American Association of Airport Executives with regard to the recent FCC NPRM [Docket 97-182].

This proposed rule would significantly reduce air safety around airports by preempting state and local zoning and land use restrictions which work in concert with Federal Aviation Administration requirements to ensure safe aircraft operations. State and local reviews frequently are the most effective means of safeguarding against structures around airports that pose a hazard to aircraft.

The rule could also potentially affect the economic development of local cities since any unplanned tower could have adverse consequences on local land use plans. It is vital that proper coordination take place to optimize local, state, and federal planning. Ultimately, the preempting of state and local zoning and land use restrictions in the siting of broadcast facilities that serve state and local regions in favor of federal review is a bad idea. It reduces the safety of those traveling by air and it is a violation of local community rights for self-government. We urge you to withdraw this rule.

Sincerely,

Walter T. White, A.A.E.
Director of Operations & Public Safety

cc: President - Memphis-Shelby County Airport Authority
Vice President of Operations
American Association of Airport Executives

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FCC MAIL ROOM

DOCKET FILE COPY ORIGINAL

Maurice G. Cataford
17 Maple Ave.
Rye, NH 03870-2627

November 29, 1997

Office of the Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

SUBJECT: Docket 97-182 Preemption of State and Local Zoning
and Land Use Restrictions on Siting, Placement and
Construction of Broadcast Station Transmission
Facilities.

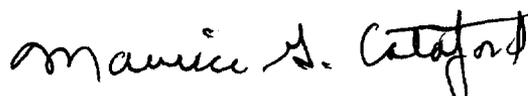
Dear Madam or Sir,

I am writing in support of the EAA's comments on
Docket 97-182. As a licensed pilot I am concerned that tall
towers could pose a hazard to aircraft using a small local
private airport from which I fly.

The proposal to preempt local town officials from
having any input to decisions on tower sitings is wrong.
Broadcast companies should not be favored over the rights
of private citizens.

I trust the Commission will exercise good judgment
and withdraw this objectionable proposal. Thank you.

Yours very truly,


Maurice G. Cataford

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November 22, 1997

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DEC 2 1997

DOCKET FILE COPY ORIGINAL

FCC MAIL ROOM

Office of the Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

Re: Docket No. 97-182

Preemption of State and Local
Land Use Restrictions on Citing
Placement and Construction of
Broadcast Station Transmission
Facilities

Dear Sir or Madam:

As a member of EAA Chapter 323, I strongly protest the above
referenced Docket No. 97-182.

The EAA does not believe there is a benefit to the public in
implementing this rule. At the very least this proposed rule should be
revised to allow local authorities to regulate the construction of towers
considered to be obstacles by the FAA.

Thank you for the opportunity to comment on this proposal.

Sincerely,
EXPERIMENTAL AIRCRAFT ASSOCIATION

Mark E. Roke

Member # *EO353793 05/31/98*

*As a Navy pilot, 1941-1950 plus 12 years in the Navy Reserve,
Airliner pilot for 26 years, and a General Aviation for the
past 19 years you can bet I strongly protest the above
referenced Docket No. 97-182.*

MER

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Marilyn Boese
22950 Bednar Lane
Fort Bragg, CA 95637
(707) 964-7733

DOCKET FILE COPY ORIGINAL

November 25, 1997

Office of Secretary
Federal Communications Commission
Washington DC 20554

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FCC MAIL ROOM

Dear Sirs,

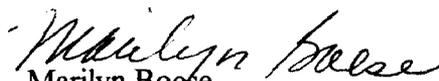
I am writing in regards to your Proposal Docket #97-182, regarding preemption of local zoning and land use restrictions on the placement of Broadcast Station Transmission Facilities.

I am unequivocally opposed to such preemption. Local input and control is critical for such large structures that will effect all who live in the vicinity.

As a person who flies in light aircraft, it is scary to think of the speed with which towers could be constructed given your Proposal. These towers must be reviewed and indicated on all navigation charts and NOTAMS.

I support the comments of EAA, the Experimental Aircraft Association, which are critical to this proposed ruling.

Yours truly,


Marilyn Boese

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716 Riverside Dr. N.
Hudson, WI 54016

DEC 02 1997

FCC MAIL ROOM

November 28, 1997

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Office of the Secretary, Docket 97-182
Federal Communications Commission
Washington, DC 20554

SUBJECT: Docket No. 97-182, Preemption of State and Local Zoning and Land Use Restrictions on Citing, Placement and Construction of Broadcast Station Transmission Facilities

Dear Sir or Madam:

My comments are in objection to the proposed preemption of local and state zoning and land use ordinances. My objection stems from two viewpoints: 1) a citizen with an interest in land use in my area, 2) a pilot who will be affected by this change near airports I use.

The federal government is not able to make the good decisions on the placement of broadcast towers throughout the country. There are just too many towers and too many issues involved for one central agency to have control over these decisions. The only rightful place for such decisions to be made is at the local level. Only there can the issues pertinent to the area be totally understood and aired. While FCC input is important to tower placement, the final authority must lie with the community that will have to live with the decision.

My second viewpoint on this issue serves to graphically illustrate the need for local control. I am a pilot who flies both professionally and for personal satisfaction. As such, I am extremely interested in the safety of the airports I use. Obstacles and hazards around airports are of particular interest to the pilot. Mother nature doesn't often change the landscape, but man does. To prevent such changes from becoming a hazard to flight, local zoning laws are established to insure full notice and hearings are available to local airport operators, pilots and the Federal Aviation Administration. Preempting our input could result in tower construction that would render a local airport unusable.

No undue is placed on companies by allowing local authorities to review and approve tower construction. In fact, in the balance of things, it is the only safe and fair thing to do.

Sincerely,



Mark Shanahan

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