

# City of Richmond



LARRY E. CHAVIS  
MAYOR

"SIC ITUR AD ASTRA"  
SUCH IS THE WAY TO THE STARS

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December 8, 1997

FCC MAIL ROOM

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

Re: Federal Communications Commission Rule Making  
(Docket No. 97-182)

Dear Mr. Caton:

This letter is to provide comments on the Notice of Proposed Rule Making (Docket No. 97-182) regarding the proposed preemption of state and local regulation of transmission facilities.

The City of Richmond, Virginia is strongly opposed to the proposed preemption of zoning and other state and local land use requirements regarding the location of digital television facilities in our community. We support the comments filed by the Virginia Municipal League, the American Planning Association, and the Counties of Henrico and Fairfax among others.

Briefly, our major concerns are:

1. Time limits: The proposed time limits in FCC 97-296 do not allow the City adequate time to perform its responsibilities to review a proposal and provide citizens an adequate opportunity to participate in the statutory public hearing process. The current application process involving the local Planning Commission and City Council normally takes 75-90 days. The proposed 21 day, 30 day, and 45 day time frames in the proposed rule do not take into account typical delays associated with this process such as the submittal of incomplete applications, or the extra time needed for users to negotiate collocation on existing facilities.

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2. Collocation: The promotion of collocation by localities, including Richmond, provides applicants the opportunity to avoid construction of new facilities and significantly reduces the proliferation of unnecessary towers in our neighborhoods. The City has a strong track record of supporting tower collocation and assisting new developers in locating on existing approved sites. By fast-forwarding the application process, the City's opportunity to adequately review a proposal and offer our expertise, especially regarding access to existing facilities in the Richmond market, will be significantly impaired.

3. Health or Safety exceptions: The proposed rule limits local review only to health or safety considerations. This narrow exception is not only contrary to a plethora of case law supporting the right of communities to consider environmental, aesthetic, historic, and a variety of other local concerns when undertaking land use decisions, but it undermines the explicit purpose of the City's Zoning Code and the Code of Virginia. In addition to regulating the promotion of health, sanitation, and general welfare, the Codes also provide for the creation of a convenient, attractive and harmonious community; the protection of residential areas; and protection against destruction of or encroachment upon historic areas.

In conclusion, the City of Richmond has always been committed to facilitating and assisting the growth of any new industry that desires to locate in our community. An Antenna-Public Facility Site Management Policy Project Team meets regularly to specifically address land use issues that the proposed rule would attempt to address from Washington, in a summary fashion from Washington without the input of local citizens. The City of Richmond firmly believes that local land use decisions should be left to the elected officials and citizens who must live with the consequences of their decisions. Therefore, we respectfully oppose the proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry E. Chavis". The signature is fluid and cursive, with the first name "Larry" being the most prominent.

Larry E. Chavis  
Mayor

EX PARTE OR LATE FILED

November 22, 1997

DOCKET FILE COPY ORIGINAL

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

*Brent Rowans*

*Brent Rowans*

*104 Rowans Drive*

*Whitewright, TX 75491*

*903/546.6876*

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