



House Bill 1020

Wireless Facilities - Permitting and Siting

MACo Position: **SUPPORT**

To: Economic Matters Committee

Date: February 21, 2019

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1020 as it creates a fair and balanced community-based framework for delivering improved wireless “5G” service to Maryland.

Counties support the innovation and expansion of small cell technology to improve the delivery of wireless service. However, care must be taken to ensure that small cells are deployed in a manner tailored to Maryland’s needs.

HB 1020 provides a path forward that appropriately strikes a balance between community needs and industry interests. It streamlines and standardizes local permitting and oversight processes without preempting local zoning authority or codifying controversial and unsettled federal laws.

Planning and zoning are central components of local authority under Maryland law – serving as the essential means for citizen and community input. Local governments must be able to protect the safety and interests of their communities as necessary through zoning reviews and approvals. Counties must also have the ability to respond to the contours of historically important, culturally significant, and aesthetically designed areas. HB 1020 preserves that local authority so that small cells are deployed in the public rights of way with local government and community input.

HB 1020 also leaves federal matters to the Federal Communications Commission (FCC) and the federal courts. This is an important feature of the bill due to the uncertain future of a recent FCC order that went into effect in January of this year (over local government opposition). This order significantly shifted the playing field even further in favor of the wireless industry. Among other provisions, the FCC order sets shorter timelines for permit approvals and puts presumptive caps on local government fees. The order is being challenged by a nationwide coalition of local government entities – including some in Maryland – in the Ninth Circuit and through congressional legislation. It would be premature and logistically treacherous to codify a federal law that is currently being challenged on multiple fronts. HB 1020 avoids those federal pitfalls.

Finally, it is vital that all residents are afforded the socio-economic benefits of broadband and that rural and underserved areas are not further left behind in the push for 5G. HB 1020 establishes a digital inclusion fund to help ensure that not only is capacity increased in the most profitable parts of the state, but coverage is expanded to more residents and businesses. Technology must advance without growing the digital divide.

Counties believe it is important to advance small cell technology in Maryland. This is best accomplished in a fair and balanced manner, in partnership with local governments and their communities. HB 1020 brings small cells to Maryland by building a Maryland solution, tied to Maryland’s needs and goals. For these reasons, MACo urges a **FAVORABLE** report on HB 1020.