PCIA
The Wireless Infrastructure Association

February 25, 2014

VIA HAND DELIVERY

Senator Dennis Egan
Chair, Senate Transportation Committee
Senator Fred Dyson
Vice-Chair, Senate Transportation Committee
Alaska State Legislature
120 4th Street
Juneau, Alaska 99801

Re: Comments from the Wireless Industry on Senate Bill 177

Dear Chair Egan, Vice-Chair Dyson, and Members of the Committee:

PCIA–The Wireless Infrastructure Association ("PCIA") writes to provide comment on Alaska Senate Bill 177 ("S.B. 177"), a bill to mandate registration for structures over fifty feet, and lighting and marking on structures over 100 feet, including wireless communications facilities. PCIA is the national trade association representing the wireless infrastructure industry. PCIA's members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, telecommunications, and broadcasting services. PCIA and its members partner with communities across the nation to deploy wireless infrastructure in a way that responds to the unique sensitivities and concerns of each community.

Citizens, businesses, and visitors to Alaska rely on wireless services and devices in every aspect of their lives, from personal communication to complex business applications. Users increasingly rely on wireless service as their exclusive means of voice communication while at home. Over one-third of households in Alaska have "cut the cord," relying entirely on wireless phones, nearly three times as many as five years ago.[1] Wireless services and the wireless infrastructure that supports those services play a crucial public safety role as well. More than 70 percent of all emergency calls placed with a wireless device,[2] wireless capacity and coverage is essential to ensuring access to public safety agencies wherever citizens are, whenever they need it. Based on the challenging geography of Alaska's most rural areas, wireless, more so than wired, will be the preferred method of accessing broadband.

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[1] *Compare Wireless Substitution: State-level Estimates from the National Health Interview Survey, 2012*, CENTERS FOR DISEASE CONTROL NATIONAL HEALTH STATISTICS REPORTS 5 (Dec. 18, 2013), *available at* http://www.cdc.gov/nchs/data/nhsr/nhsr070.pdf, *with Wireless Substitution: State-level Estimates from the National Health Interview Survey, January-December 2007*, CENTERS FOR DISEASE CONTROL NATIONAL HEALTH STATISTICS REPORTS 5 (Mar. 11, 2009), *available at* http://www.cdc.gov/nchs/data/nhsr/nhsr014.pdf.

[2] FCC.gov, *Guide: Wireless 911 Services*, http://www.fcc.gov/guides/wireless-911-services.

At the outset, PCIA recognizes the potential dangers certain tall structures pose to aviation safety. Last May, the National Transportation Safety Board's ("NTSB") called for marking and lighting of Meteorological Evaluation Towers ("METs"), which can prevent an aviation hazard due to their "rapid construction and lack of conspicuity."[3] METs and wireless communications towers, however, differ in several important ways. METs are thin, temporary structures—six to eight inches in diameter—often supported by nearly-transparent guy wires, and as such can cause visibility concerns for pilots. By contrast, communications towers are permanent structures. Further, unlike METs, communications towers are overseen by the Federal Communications Commission ("FCC"), require compliance with numerous federal laws, including the National Environmental Protection Act and the National Historic Preservation Act, undergo rigorous local zoning and building code approval processes, and must comply with international engineering standards. Other states have addressed the NTSB's call for marking and lighting by enacting tailored legislation that specifically targets METs, but not other types of towers.[4] We urge the Committee to tailor S.B. 177 to address aviation safety concerns associated with METs, as the NTSB has recommended, rather than the current broad language that may place additional and unnecessary restraints on communications towers.

Additionally, installation of lighting and marking on existing structures could violate existing federal, state, and local approvals. The goals accomplished by mandatory tower lighting and marking for structures over 100 feet must be balanced against the community interest in maintaining existing towers in their current form. Many local zoning permits, historic preservation approvals, and lease agreements for wireless facilities stipulate that towers may not be lit or had approvals premised on unlit towers, based on aesthetic or other concerns, and wireless providers have factored in those concerns during the site selection and tower design phases. At a minimum, S.B. 177 should ensure that any marked towers comply with Federal Aviation Administration ("FAA") Advisory Circular No. 70/7460-1K to avoid inconsistencies across state lines.[5]

Creating a separate, state-specific structure registration database in Alaska would create a duplicative enforcement regime for tower owners. Currently, the FCC requires structures taller than 200 feet above ground level ("AGL") or that may interfere with the flight path of a nearby airport to register in the Antenna Structure Registration ("ASR") System.[6] PCIA members have indicated that while towers under 200 feet are not required to register in the ASR System, many do so. Further, ASR System registration is already required for those towers that potentially interfere with the flight path of an airport, which would only be duplicated in Alaska's proposed registry.

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[3] NATIONAL TRANSPORTATION SAFETY BOARD, SAFETY RECOMMENDATION, A-13-16 and -17 (2013), *available at* http://www.ntsb.gov/doclib/recletters/2013/A-13-016-017.pdf.
[4] *See, e.g.*, Montana H.B. 546 (63rd Legislature, signed into law Apr. 22, 2013), *available at* http://leg.mt.gov/bills/2013/billpdf/HB0546.pdf (mandating marking standards for METs only).
[5] FEDERAL AVIATION ADMINISTRATION, ADVISORY CIRCULAR NO. 70/7460-1K, *available at* http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC%2070%207460-1K.pdf.
[6] 47 C.F.R. § 17.4 (2014).

PCIA appreciates the Committee's willingness to address these industry concerns by amending S.B. 177 to produce achieve the same aviation safety results by more narrowly tailored means.

Sincerely,

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