



Wireless
Infrastructure
Association

**Testimony of The Wireless Infrastructure Association
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In Opposition of House Bill 490

Before the Ohio House - Transportation and Public Safety Committee

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Chairman Baldrige, Vice Chair McClain, Ranking Member Sheehy, and members of the Transportation and Public Safety Committee. On behalf of the Wireless Infrastructure Association (WIA), thank you for allowing me to provide opponent testimony on House Bill 490 (HB490), which would expand the Ohio Department of Transportation's (ODOT) authority to regulate navigable airspace where the Federal Aviation Administration (FAA) already has regulatory purview. WIA represents the businesses that build, develop, own, and operate the nation's wireless infrastructure. Members include infrastructure providers, wireless carriers, and professional services firms that are responsible for telecommunications facilities around the globe. On the federal, state, and local levels, WIA advocates for the widespread, responsible deployment of wireless infrastructure to enable mobile broadband access for communities everywhere.

The issue of wireless connectivity is top of mind for policy makers in Ohio and across the country. Wireless device consumers are using more wireless data than ever and are dependent on wireless connectivity for their daily routines. Exponential demand during the ongoing pandemic adds significant pressure and stress to networks that were already congested. As such, WIA works closely with all stakeholders to promulgate and enact policies to allow wireless networks to grow and components to be upgraded. Unfortunately, HB490 is not one of those policies; to the contrary, if enacted, HB490 would add uncertainty and unpredictability to a process that is working well. Below please find our four biggest concerns including their adverse impact to wireless infrastructure deployment:



1. Redundant Review Process. Cellular communications and broadcast towers follow a thorough and extensive pre-construction vetting process with the FAA to ensure that certain new structures, or modifications to an existing structure, would not pose a hazard to air traffic safety. The FAA considers many factors when evaluating a potential new structure or modification under their rules, including whether the proposal would harm airport capacity or efficiency during its aeronautical survey, and coordinates with the relevant Office of Airports during the evaluation process. The current process works. HB490 would add an additional layer of review for local airports that have already had the opportunity to participate in the process. WIA believes this duplicative step is not necessary and adds uncertainty and unpredictability to the current process.
2. Substantial Project Delays. The current coordinated process provides the FAA with 45 days for its review of a project. If enacted, HB490 would grant ODOT an additional timeline (the aviation community has requested at least 60 days following the FAA's determination) even in cases where the project proposal does not give ODOT the discretion over the permit grant. A lengthy review period would negatively impact carrier timelines and could slow broadband and other mobile communications deployment. To illustrate, a project scheduled to be finished in late summer or fall would now fall to a winter timeline when construction and climate conditions may postpone it until next spring. These are real-time implications that would occur to the detriment of Ohioans.
3. Inconsistent and Competing Regulatory Standards. The FAA has established a robust and substantial framework regulating communication and tall structures that the industry and state follow. Removal of FAA standards in the proposed bill sets up competing and inconsistent regulatory regimes between federal and state levels. HB490 would impose conflicting or additional standards without justification. For example, the proposed changes lack clear, objective standards for review of tall structure permits and would essentially give airports unilateral decision making regarding tall structure projects. This creates an inefficient regulatory process that would significantly increase the time and cost of deployment of wireless infrastructure in Ohio. Absent clarity regarding the standards, wireless carriers and infrastructure providers will be unable to appropriately plan and site projects. Making things worse, forcing wireless infrastructure in Ohio to comply with an arbitrary, inconsistent, and unregulated



marking regime would cause these structures to fall out of compliance with current federal guidelines.

4. Lack of Clarity Regarding Existing Telecommunications Structures. Although the aviation community has testified that the bill was not intended to impact existing structures, the actual language in the legislation is ambiguous and does not provide these reassurances. More notably, HB490 fails to account for specific provisions of federal law that provide special rules for siting and physical modifications of communications infrastructure.

In sum, HB490 would create a process that adds uncertainty and unpredictability to a framework that is already working well. In turn, this would add risk to economic development projects and hinder the wireless industry's efforts to continue deploying much-needed infrastructure and upgrades to wireless networks. HB490 is unnecessary and will prove harmful to Ohio's growing economy.

Mr. Chairman, and members of the Committee, Ohio has made great strides to reduce and eliminate unnecessary and duplicative regulations. HB490 goes in the complete opposite direction and layers unnecessary ODOT regulations over FAA oversight that has worked well in Ohio and across the country. The Wireless Infrastructure Association urges you NOT to support this unnecessary legislation, HB490.

Thank you for your time and consideration.

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