

Telecommunications Act of 1996

47 USCS § 332

Summary of Limitations Imposed on the Local Zoning Authority

The Telecommunications Act of 1996 (“the Act”) is a federal law regulating the provision of telecommunication services throughout the United States. The Act imposes certain requirements and limitations on the local zoning authority “over decisions regarding the placement, construction, and modification of personal wireless service facilities.”

The Act requires a local government to act within a reasonable period of time upon a duly submitted request to construct a personal wireless service facility. A decision denying a request to construct a personal wireless service facility must be in writing and supported by substantial evidence contained in a written record.

The Act prohibits local governments from unreasonably discriminating among functionally equal providers or having the “effect of prohibiting the provision of personal wireless services.” Additionally, it prohibits local governments from regulating the “placement, construction or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions” if the facility complies with federal regulations.