

## RESOLUTION

### RESPONSE TO THE FEDERAL COMMUNICATIONS RESOLUTION NO. 97-296

#### CONCERNING THE PREEMPTION OF STATE AND LOCAL AUTHORITY GOVERNING

#### THE SITING OF RADIO AND TELEVISION BROADCAST TRANSMISSION TOWERS

WHEREAS, on August 19, 1997, the Federal Communications Commission (FCC) issued a Notice of Proposed Rule Making (FCC 97-296) proposing to preempt certain state and local zoning and land use ordinances governing the siting, placement, and construction of radio television Broadcast Transmission Facilities because they represent "an obstacle to rapid implementation of digital television" (DTV); and

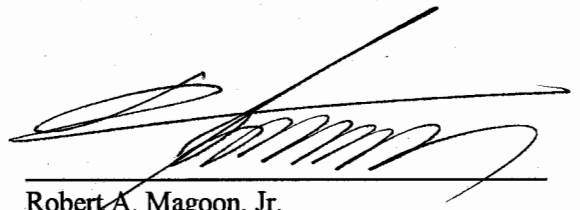
WHEREAS, the accelerated DTV transition schedule will require extensive tower modification and construction; and

WHEREAS, the proposed time limits in FCC 97-296 (21 days to modify existing broadcast facilities, 30 days to relocate existing broadcast transmission facilities, and 45 days for all other requests) for local action in response to request for approval would not allow James City County adequate time to permit our long standing responsibility to review the project proposal to ensure the facilities conform to land use, health, and safety regulatory objectives and, in addition, may cause a conflict with standing Virginia law; and

WHEREAS, the passage of the Telecommunications Act of 1996 has implications for the national economy, the affected industries and the consumer, it also has significant implications for the established land use decision making processes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges the Federal Communications Commission to reject the proposed preemption of local and state government authority in siting, placements, and construction of Broadcast Transmission Facilities as well as any other preemption of local and state land use and right-of-way management authority.

BE IT FURTHER RESOLVED that the FCC address the matter informally, by meeting representatives of local and state governments to develop guidelines that will meet the interests of the Federal government while respecting the policies and decision making processes of James City County.



Robert A. Magoon, Jr.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
BRADSHAW	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 1997.

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