

CITY OF
Address

RESOLUTION NO. _____ (2026)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY/COUNTY OF _____ OPPOSING FCC DOCKET 25-276, OPPOSING FEDERAL PREEMPTION OF LOCAL AUTHORITY, AND URGING CONGRESS TO REPEAL SECTION 704 OF THE TELECOMMUNICATIONS ACT OF 1996

WHEREAS, the City of _____ is responsible for protecting the health, safety, welfare, environmental quality, historic character, and property values of its residents; and

WHEREAS, local governments serve as the level of government closest to the people, ensuring meaningful public participation in land-use decisions, especially those that impact neighborhoods, private property, and environmental resources; and

WHEREAS, Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)(B)(iv)) prohibits local governments from regulating wireless facilities based on the “environmental effects” of radiofrequency (RF) emissions, and courts have interpreted this prohibition to include human health effects, thereby preventing municipalities from exercising their traditional police powers; and

WHEREAS, this statutory prohibition leaves residents without meaningful recourse or due process and denies municipalities the ability to fully consider public health, safety, and environmental impacts when evaluating wireless infrastructure applications; and

WHEREAS, in Environmental Health Trust v. FCC (2021), the U.S. Court of Appeals for the D.C. Circuit ruled that the FCC’s RF safety guidelines were arbitrary and capricious, directing the FCC to address evidence regarding children’s health, long-term exposure, and environmental effects; and

WHEREAS, the FCC has not completed the scientific review required by the court and has instead advanced FCC Docket 25-276, a proposed rulemaking that would significantly expand federal preemption, restrict public participation, weaken land-use review, eliminate conditional use processes, and diminish local regulatory discretion; and

WHEREAS, FCC Docket 25-276 would, if adopted, reduce local governments to administrative processors of federal mandates and remove essential tools needed to protect community character, environmental resources, and resident welfare; and

WHEREAS, preserving local governance is essential to upholding constitutional principles of federalism and ensuring that communities maintain the authority to regulate land use in a manner responsive to local needs and conditions; and

WHEREAS, repealing or amending Section 704 is necessary to restore local authority, uphold the public trust, and ensure that municipalities can carry out their constitutionally grounded

responsibilities, including oversight of health, safety, environmental quality, and land-use planning;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of _____ that:

- 1. The City of _____ strongly opposes FCC Docket 25-276** and urges the Federal Communications Commission to withdraw the proposed rulemaking in its entirety.
- 2. The City of _____ urges Congress to repeal or amend Section 704** of the Telecommunications Act of 1996 to restore constitutional local police powers and allow municipalities to consider environmental and health impacts associated with wireless infrastructure.
- 3. The City of _____ urges the FCC** to comply with the requirements of Environmental Health Trust v. FCC and complete a comprehensive, evidence-based review of RF safety guidelines.
- 4. The City of _____ affirms the essential role of local governments** in regulating land use and protecting public health, safety, environmental resources, and community character.
- 5. City staff are hereby directed** to transmit this Resolution, along with the City's accompanying letters, to the Federal Communications Commission, Representative Kevin Kiley, U.S. Senator Alex Padilla, U.S. Senator Laphonza Butler, and any other relevant federal agencies or representatives.

PASSED AND ADOPTED by the City Council of the City of _____ on the ____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, City of _____

ATTEST:

City Clerk