

Dr. Vladovic, Ms. Martinez, Ms. Flores – T-Mobile Cell Tower Notification and
Condemnation

(Waiver of Board Rule 72)

ADOPTED

AS AMENDED

Whereas, The health and safety of our students and employees are fundamental concerns of the Los Angeles Unified School District;

Whereas, On June 27, 2000 and May 26, 2009, the Governing Board of the Los Angeles Unified School District adopted resolutions opposing the siting of cellular facilities on or in close proximity to schools to ensure individuals, especially children, are protected from the potential health effects associated with exposures to extremely low frequency electromagnetic and radio-frequency radiation;

Whereas, The District has been successful in restricting the placement of wireless communication installations on its school facilities, but it has had limited success in preventing wireless service facilities from siting near its schools due to apparent restrictions placed upon zoning authorities to consider the health and environmental effects of radio-frequency radiation;

Whereas, The desire of the wireless companies to market new wireless services has since led to a proliferation of cellular facilities targeting residential areas and areas near schools;

Whereas, Wireless infrastructure is being deployed at an unprecedented speed and cellular facilities have been approved without proper justification and proof that the placement is to serve existing demand or provide public safety benefits;

Whereas, Serious concerns exist regarding wireless permits approved near schools without proper notification to school officials and nearby property owners or proper review and oversight of the wireless applications;

Whereas, Cities, counties, and local municipalities have relied upon Section 704 of the Federal Telecommunications Act of 1996 to preempt local communities and school districts from opposing the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions;

Whereas, Cities, counties, and local municipalities have not had to demonstrate that these telecommunication facilities comply with the Federal Communications Commission regulations concerning radio-frequency emissions as they relate to multiple-transmitter sites and complex environments whereby all significant contributions to environmental exposures are cumulatively considered;

Whereas, Based upon new and emerging scientific evidence there continues to be considerable debate as to the adequacy of existing public exposure standards including those promulgated by the Federal Communications Commission;

Whereas, The full Parliament of the European Union has raised concerns about the exposure of children and young people to electromagnetic fields and continuing uncertainties about possible health risks; and, therefore, adopted on April 2, 2009 a resolution encouraging 1) the establishment of setback criteria for wireless antennas, mobile phone masts and other electromagnetic emitting devices to be set within a specific distance from schools and health institutions, 2) stricter regulations and protections for residents and consumers and 3) more reliable information be made available about the effects of exposure to electromagnetic fields to citizens in an effort to prevent a “proliferation of poorly positioned masts and transmitters”;

Whereas, The Federal Communications Commission is obliged to conduct periodic reviews of current research and analysis of the health implications associated with radio-frequency exposures in cooperation with industry, agency, and organizations responsible for community health and safety to ensure exposure guidelines are appropriate and scientifically valid;

Whereas, T-Mobile has refused to consider and implement the requested changes by placing a cell tower on the corner of Westmont and Taper Avenues, located approximately 40 feet from Taper Elementary School,

Whereas, T-Mobile has refused to consider alternate locations for placement of the cell tower,

Whereas, T-Mobile or any responsible agency has failed to properly notify the District of the placement of this cell tower located next to a school,

Whereas, T-Mobile or any responsible agency has failed to properly notify the community or parents in the area surrounding the proposed cell tower; now, therefore be it

Resolved, That the Governing Board of the Los Angeles Unified School District directs the Superintendent to request local jurisdictions to provide timely notification when new cellular permit applications are filed and provide comment on the health risks from the proposed facility as it relates to compliance with existing Federal Communications Commission regulations associated with cumulative exposures;

Resolved further, That the Board requests that the County of Los Angeles Board of Supervisors, the Los Angeles City Council and all local jurisdictions that the District serves join in passing a resolution in demanding the revision of Section 704 of the Federal Telecommunications Act of 1996’s preemption of

consideration of the health and environmental effects of radio-frequency radiation at levels below current Federal Communication Commission standards in decisions involving the placement, construction and modification of wireless facilities, and in favor of amending the California Public Utilities Code to grant local governments authority to regulate wireless facilities in public rights of way pursuant to local planning and zoning ordinances;

Resolved further, That the Board requests that the Department of Water and Power or any other responsible agency call for the removal of any cell phone towers within 200 feet of a school campus;

Resolved further, That the Board requests that T-Mobile immediately remove the cell phone tower located adjacent to Taper Avenue Elementary School or any responsible agency use all available legal means to remove the cell phone tower; ~~and be it finally~~

Resolved further, That the Board support Los Angeles City Council motions 09-2859, 09-2645 and 09-2795 which seek to regulate cell towers through new laws and interpretation of recent court rulings, and be it finally

Resolved, That the Board expresses its most serious condemnation of T-Mobile's construction of the cell phone tower adjacent to Taper Avenue Elementary School and urges T-Mobile to remove the cell phone tower to avoid serious damage to its brand in the District and the community at large.