

SB2200



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2200

Introduced 12/4/2015, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12001.2

Amends the Counties Code. Adds Will County to a pilot project concerning regulation of new telecommunication facilities.

LRB099 12393 AWJ 35651 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 5-12001.2 as follows:

6 (55 ILCS 5/5-12001.2)

7 Sec. 5-12001.2. Regulation of telecommunications
8 facilities; Lake County and Will County pilot project. In
9 addition to any other requirements under this Division
10 concerning the regulation of telecommunications facilities,
11 the following applies to any new telecommunications facilities
12 in Lake County and Will County that are not AM
13 telecommunications towers or facilities:

14 (a) For every new wireless telecommunications facility
15 requiring a new tower structure, a telecommunications
16 carrier shall provide the county with documentation
17 consisting of the proposed location, a site plan, and an
18 elevation that sufficiently describes a proposed wireless
19 facility location.

20 (b) The county shall have 7 days to review the facility
21 proposal and contact the telecommunications carrier in
22 writing via e-mail or other written means as specified by
23 the telecommunications carrier. This written communication

1 shall either approve the proposed location or request a
2 meeting to review other possible alternative locations. If
3 requested, the meeting shall take place within 7 days after
4 the date of the written communication.

5 (c) At the meeting, the telecommunications carrier
6 shall provide the county documentation consisting of radio
7 frequency engineering criteria and a corresponding
8 telecommunications facility search ring map, together with
9 documentation of the carrier's efforts to site the proposed
10 facility within the telecommunications facility search
11 ring.

12 (d) Within 21 days after receipt of the carrier's
13 documentation, the county shall propose either an
14 alternative site within the telecommunications facility
15 search ring, or an alternative site outside of the
16 telecommunications search ring that meets the radio
17 frequency engineering criteria provided by the
18 telecommunications carrier and that will not materially
19 increase the construction budget beyond what was estimated
20 on the original carrier proposed site.

21 (e) If the county's proposed alternative site meets the
22 radio frequency engineering criteria provided by the
23 telecommunications carrier, and will not materially
24 increase the construction budget beyond what was estimated
25 on the original carrier proposed site, then the
26 telecommunications carrier shall agree to build the

1 facility at the alternative location, subject to the
2 negotiation of a lease with commercially reasonable terms
3 and the obtainment of the customary building permits.

4 (f) If the telecommunications carrier can demonstrate
5 that: (i) the county's proposed alternative site does not
6 meet the radio frequency engineering criteria, (ii) the
7 county's proposed alternative site will materially
8 increase the construction budget beyond what was estimated
9 on the original carrier proposed site, (iii) the county has
10 failed to provide an alternative site, or (iv) after a
11 period of 90 days after receipt of the alternative site,
12 the telecommunications carrier has failed, after acting in
13 good faith and with due diligence, to obtain a lease or, at
14 a minimum, a letter of intent to lease the alternative site
15 at lease rates not materially greater than the lease rate
16 for the original proposed site; then the carrier can
17 proceed to permit and construct the site under the
18 provisions and standards of Section 5-12001.1 of this Code.

19 (Source: P.A. 98-197, eff. 8-9-13; 98-756, eff. 7-16-14.)