

THE FCC MOVES TO PREEMPT LOCAL AUTHORITY OVER CELL TOWERS

“Build America” Docket FCC WT Docket No. 25-276

WHAT CITIES, COUNTIES, AND RESIDENTS MUST KNOW

What is the FCC proposing?

The Federal Communications Commission is proposing sweeping new rules that would pre-empt state and local authority over the siting, permitting and regulation of cell towers and wireless infrastructure nationwide.

If adopted, these changes would shift significant power away from local governments.

FCC is poised to:

- Tighten “shot clocks” (deadlines for acting on cell tower and wireless applications)
- Automatically approve towers and “deem granted” if tight deadlines are not met
- Redefine aesthetics and concealment standards
- Cap fees
- Prohibit new conditions on permit renewals
- Override setbacks
- Pre-empt AI regulation
- Declare that blocking upgrades or densification is an effective prohibition

What Local Governments Say About FCC 25-276

[City of Carlsbad, California](#)

“Weakening local control would allow companies to prioritize cost savings over compliance, increasing the risk of property damage, injuries, and lawsuits while shifting the financial burden of negligence onto local governments and taxpayers.”

[The City of Marietta, Georgia and Marietta Board of Lights and Water](#)

“...the proposals in this NPRM would eliminate virtually all meaningful local authority, forcing communities to accept unlimited installations with minimal review, inadequate cost recovery, and no ability to protect community character or public assets.”

“The proposal to implement a ‘deemed granted’ remedy for shot clock violations would eliminate due process and could compromise safety of the public.”

[Rural County Representatives of California, the California State Association of Counties, the League of California Cities](#)

“Unrealistic timelines, therefore, threaten to silence the very people who must live with the consequences...If applications are rushed through or “deemed granted” without adequate review, the responsibility for any resulting harm rests not with the applicant, but with the local authority left to deal with the aftermath.”

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City of Murrieta California

“As written, these amendments erode local control, undermine established planning and public investments, contradict the Commission’s own progress narrative, shift costs to local governments, and diminish environmental and community safeguards...By redefining aesthetic and concealment standards as potential barriers, the proposal disturbs that balance and moves toward federal preemption of traditional land use powers.”

Village of Schaumburg, Illinois

“Macro installations often require structural analysis, RF compliance review, fall-zone evaluation, FAA lighting review, and public hearings. Imposing uniform national shot clocks or “deemed granted” outcomes would be inconsistent with the level of scrutiny these facilities require.”

City of Encinitas, California

“These rules will allow towers to be placed literally anywhere in Encinitas, with no say from my City Council nor our residents. This is unacceptable. We desire to maintain our control over their locations, aesthetic impact, historic impact and removal when no longer in use.”

The Surveillance Technology Oversight Project

“FCC should not preempt state and municipal AI regulations, because such regulations are critical to the safe and accountable development of AI. The FCC does not have authority under the Communications Act to preempt state and local AI regulations.

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What is the timeline for commenting?

FCC’s NPRM Build America:
Eliminating Barriers to Wireless
Deployments is posted in full in
[Docket No. 25-276](#) and
condensed in the [Federal
Register](#).

Comments due 12/31/2025

Reply comments 1/15/2026

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The National Association of Telecommunications Officers and Advisors

“The National Association of Telecommunications Officers and Advisors expressed concerns about question proposing preemption of Local Public Rights of Way (PROW) authority and shot clocks and fees caps that would severely restricting how local governments may regulate the placement, construction, and modification of communications facilities in public rights-of-way and on locally controlled property.”

“Participants shared real-world experiences from their cities, towns and counties with wireline and wireless deployment in their communities that presented public safety risks within their communities and strongly suggested that local governments would better be able to protect their streets, sidewalks, and constituents’ safety with support from the Commission and improved communications and planning from both wireless and wireline provide.”

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The Health and Safety Risks of Cell Towers

- Visual impacts - towers ruin the view
- Towers can be added and made taller with little public process
- Decrease property values by 5% - 20%
- Fire risk
- Hazardous materials on site
- Increased radiofrequency (RF) radiation
- RF radiation levels will likely increase every year
- Insurance companies compare the risk to asbestos and will not cover harm from the radiation
- Cell tower companies warn shareholders of the risks

Science and Facts on Cell Towers