

[legalq&a]

I know that we all love our smartphones, but does the cellular company really need to install a cellular tower near my property?

A New Jersey ranks among the top states in the country for high-speed data coverage. However, many New Jersey homeowners and businesses consider taking legal action when cellular companies seek to construct cellular towers near their property. Is there any recourse available for affected homeowners?

The Federal Telecommunications Act of 1996 ("FTA") provides the statutory framework for the regulation of wireless carriers across the United States. One of the bedrock principles of the FTA is the idea that the general public has an interest in achieving seamless wireless coverage. Thus, the FTA promotes the construction of cellular towers in areas where coverage is lacking. Due to the fact that the FTA is a federal law, state and municipal laws in conflict with the provisions of the FTA are invalid under the principle of federal preemption.

Still, affected property owners should consult with a land use attorney to ensure that any proposed cellular tower is constructed in accordance with the FTA and other applicable laws.



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