

25 States Have Supported 5G by Passing Small Cell Legislation to Promote Rapid Deployment of 5G

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In May 2019, Nebraska passed its “Small Wireless Facilities Deployment Act” becoming the 25th State to pass legislation implementing the 5G and Small Cell deployment. Thus, half of the Country now has state-wide legislation (versus just municipality or county specific legislation) to facilitate the deployment of 5G small cells. While Maryland has introduced legislation the past two years on the topic, it has yet to pass a law. Meanwhile, its neighboring States of Virginia, Delaware and West Virginia are among the 25 States.

These State laws take into consideration the unique circumstances of their State and local environment, but baseline principles can be established and are consistent with wireless industry standards, including:

- Streamlined applications to access public rights of way
- Caps on costs and fees
- Streamlined timelines for the consideration and processing of cell siting applications

The Wireless Infrastructure Association (WIA and National Conference of State Legislatures) are tracking Mobile 5G and Small Cell 2019 Legislation. [Click here](#) to view the current legislation by State.

The telecommunications land use attorneys at Miller, Miller & Canby are experienced in Maryland, D.C. and Virginia and are closely monitoring the impacts of the [FCC order](#) and the efforts of State and local governments to craft small cell legislation in order to advise telecommunications and property owner clients.

[Sean P. Hughes](#) is an attorney in Miller, Miller & Canby’s Land Use practice group. His career spans more than two decades of focus in legal and wireless telecommunications and he has represented clients in land use and zoning matters throughout the Mid-Atlantic. To learn more about the firm’s Land Use and Zoning practice, [click here](#).

[Cathy Borten](#) is an attorney in Miller, Miller & Canby’s real estate practice group. She focuses in commercial real estate transactions and leasing, real estate litigation, land use and zoning and commercial financings and settlements. Cathy has over 10 years’ experience in leasing, land use and zoning in the wireless telecommunications industry. Cathy also participated in the drafting of the Montgomery County and City of Gaithersburg original small cell ordinances. To learn more about the firm’s Real Estate practice, [click here](#).