

**Report to the ARRL Board of Directors
ARRL Amateur Radio Legal Defense and Assistance Committee
July, 2021**

The ARRL Amateur Radio Legal Defense and Assistance Committee (ARLDAC) has had 3 Zoom meetings since the January Board meeting. Among the issues or matters considered are the following.

An attorney from Southern California sought assistance and advice from the committee in connection with his representation of an amateur radio operator having antenna ordinance issues in the City of La Mesa, California. After analyzing the situation, the committee recommended that the amateur apply for a conditional use permit to erect his desired antenna. Apparently, a number of other hams in the City of La Mesa had previously obtained CUPs in the past to put up antenna support structures up to 55 feet tall. The attorney pointed out that requiring the amateur to pay a \$700.00 application fee was not a reasonable accommodation by the city. We concluded that may be the case but the consensus of the committee was to advise the ham paying the \$700.00 was much better than getting involved in litigation to try to invalidate the required fee. The city planning department had made representations that the CUP would likely be granted if applied for.

The committee considered the idea of setting up and conducting a legal seminar at the upcoming ARRL national convention in Orlando in February, 2022. Dan Henderson made inquiries of our Volunteer Counsel to “test the waters” and find out if there was sufficient interest among the VCs in attending a seminar to obtain mandatory continuing credits. The subject would be antenna ordinance application/litigation related. Based up Dan’s surveying the VCs, it was concluded that there was not sufficient interest in putting on the seminar. However, a less formal legal meeting is tentatively being planned for Orlando. It may turn out to be a 3-4 hour session of discussions with attorneys who may have handled antenna support structure applications/litigation matters to determine tactics and best practices in those cases. The committee has asked staff to make available a meeting room at the convention hotel or convention venue for such a meeting. The details will be fleshed out over the next few months via committee Zoom teleconferences.

The effort is still underway to obtain a curative amendment to the antenna ordinance in Upper St. Clair Township in PA. Attorney Mike Lazaroff K3AIR represents an amateur seeking a tower. Mike Lazaroff was of the opinion that a curative amendment would assist not only his client but others in nearby townships who wish to put up adequate antennas for operating. The committee helped to fund the curative amendment effort by contributing \$1,000.

Recently Vice Director Famiglio brought an issue to the committee involving an amateur in Pottstown, PA who was having interference to his operation on the amateur bands by a neighbors electric pump for a Koi pond. Further information is being gathered to determine if the amateur can get assistance from the FCC to get involved in the interference matter.

The committee is still working on a way forward with a project to help amateurs residing in states and local jurisdictions that are contemplating enacting “distracted driving” statutes/ordinances that can impact or prohibit radio amateurs operating mobile. It may turn out the best way to assist is to have a number of examples of enacted ordinances/statutes that have exempted amateur radio in the distracted driving laws. Such examples could then be provided to legislators and local authorities to convince them to provide such an exemption in their planned ordinance/statute. I will be checking with staff while at ARRL HQ to determine way forward with this project.

On a personal note, congratulations to Fred K1VR on the publication of his new book dealing with antenna ordinances and litigation. Lots of hard work that will now doubt assist the amateurs, and their attorneys, who are battling local authorities to put up adequate antennas and support structures to effectively use the amateur bands.

The committee welcomes our new staff liaison Bart Jahnke W9JJ. Bart has assumed the regulatory work previously handled by Dan Henderson. A list of committee members is shown below.

ARLDAC members:

Rod Stafford W6ROD, Chair
Mike Raisbeck K1TWF
Fred Hopengarten K1VR
Bob Famiglio K3RF
David Siddall K3ZJ
Mike Lazaroff K3AIR
Bart Jahnke W9JJ, Staff Liaison