



# Landmark Federal Lawsuit Filed to Block Saturation of Lake Tahoe Region with Cell Towers

*Federal lawsuit filed against TRPA, Verizon Wireless, and Tahoe Prosperity Center to stop deployment of hundreds of new cell towers and wireless antennas.*

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Contact: Robert Berg, Esq. – (914) 522-9455  
robertbergesq@aol.com  
Julian Gresser, Esq. – (805) 708-1864

## Federal Lawsuit Filed to Block Saturation of Lake Tahoe Region with Cell Towers

Three environmental non-profit organizations and a South Lake Tahoe homeowner have filed a landmark federal lawsuit in the United States District Court in Sacramento against the Tahoe Regional Planning Agency (TRPA), Verizon Wireless, and the Tahoe Prosperity Center, Inc. to stop the deployment of hundreds of new cell towers and wireless antennas and facilities that proponents claim are necessary to transform the region into a so-called "Smart City." Citing the area's unique beauty and pristine nature, the lawsuit by Tahoe Stewards, LLC, [Tahoe for Safer Tech](#), the Environmental Health Trust, and Monica Eisenstecken seeks an immediate moratorium on pending and proposed wireless infrastructure projects until the TRPA follows its own prescribed procedures and regulations to conduct strict environmental reviews of all such applications. Plaintiffs allege that the TRPA has failed to abide by its mandate under the Congressionally-approved bi-state Compact to protect permanently this fragile ecosystem which Mark Twain famously described as "the fairest picture the whole earth affords."

Defendants' expanded wireless broadband vision for the Lake Tahoe region consists of adding tall wireless cell towers and other wireless infrastructure that defile scenic and environmentally sensitive areas, including constructing many wireless facilities in residential neighborhoods and adjacent to schools. The wireless facilities already pose serious health and safety risks to humans, wildlife, and flora, while contributing to the degradation of Tahoe's water and air quality. The lawsuit charges that the TRPA's recent piecemeal approvals of subparts of wireless infrastructure plans have been achieved because of the undue influence of certain voting TRPA members. These TRPA members have substantial conflicts of interest on account of their

relationships with the telecom companies, but they improperly failed to recuse themselves from the decision-making. The Compact, however, requires the TRPA to conduct a comprehensive environmental impact assessment, consistent with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), and find consistency with the TRPA's overall Regional Plan before approving a project.

Many local communities across the country are having difficulty preventing the construction of dangerously-sited wireless antennas and towers which facilitate the deployment of existing 4G and new 5G technologies. The Telecommunications Act of 1996 (TCA) precludes the denial of wireless deployments by state and local governments on the basis of "environmental concerns." Even so, because the TRPA was created under federal law, the TCA preemption does not apply to proceedings brought before the TRPA. This lawsuit, therefore, presents the unique opportunity for the federal court to order the TRPA to evaluate the installation of wireless equipment in the protected Lake Tahoe region on the basis of pertinent environmental issues.

The lawsuit also raises the issue of Defendants' lack of compliance with the Americans with Disabilities Act (ADA) and the Fair Housing Amendments Act (FHAA), both of which require the "reasonable accommodation" of persons with existing physical or medical conditions. A growing number of people suffer from "microwave sickness," a recognized medical illness exacerbated by radiation emitted from wireless devices. Legal actions under the ADA and FHAA seeking "reasonable accommodation" from wireless towers and infrastructure are not pre-empted by the TCA. Plaintiff Monica Eisenstecken suffers from certain medical conditions intensified by exposure to wireless radiation. She has also asserted claims under the ADA and FHAA to prevent the installation of a 112-foot-high cell tower just 150 feet from her home which, if constructed, when operational, will render her home uninhabitable to her and her family. While the average cell tower may emit 5kW of power, the antennas on Verizon's proposed tower adjacent to the Eisenstecken home can emit over 47kW, essentially blanketing the area in electro-magnetic frequency radiation and affecting everyone nearby. The environmental organizations bringing this suit point out that expanding the already existing fiber optic networks in the Lake Tahoe region would provide a cheaper, faster, more secure, and environmentally-sound alternative to the build-out of wireless technology infrastructure.

Julian Gresser, twice Visiting Mitsubishi Professor at Harvard Law School and lead attorney for the Plaintiffs, says, "I believe our case is strong and we will prevail in our efforts to preserve and protect the greater Lake Tahoe region from the scenic blight and environmental destruction Verizon's and other telecoms' unbridled 5G rollout will otherwise unleash. The health of the region and its citizens is more important than the profit of private companies. We are excited to press forward with this litigation which will offer Lake Tahoe residents a wise balance between environmental protection and economic development."

For additional information, please visit [www.tahoeforsafertech.org](http://www.tahoeforsafertech.org). Tax-deductible contributions to the legal fund to help pay for this litigation are gratefully encouraged, and can be made at [www.tahoeforsafertech.org/take-action](http://www.tahoeforsafertech.org/take-action).

Julian Gresser, Esq.  
5G International Legal Action Network  
+1 805-708-1864  
[email us here](#)

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