



# TOWN OF FAIRFAX

## STAFF REPORT

### December 6, 2017

**TO:** Mayor and Town Council

**FROM:** Michele Gardner, Town Clerk *MG*

**SUBJECT:** Authorize Mayor to send letter of opposition to the U.S. Senate Commerce Committee draft bill limiting local authority over wireless facilities, which would force local governments to lease out publicly owned infrastructure

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#### **RECOMMENDATION**

Authorize Mayor to submit a letter on behalf of the Town Council, via the League of California Cities website, in opposition to the U.S. Senate Commerce Committee draft bill limiting local authority over wireless facilities, which would force local governments to lease out publicly owned infrastructure.

#### **DISCUSSION**

Councilmember Coler requested this item be added to the agenda for the Council's consideration.

The wireless industry is circulating a draft bill in the U.S. Senate Commerce Committee that would force local governments to lease out publicly owned infrastructure, eliminate reasonable local environmental and design review, and eliminate the ability for local governments to negotiate fair leases or public benefits for the installation of "small cell" wireless equipment on taxpayer-funded property. As you know, Governor Brown recently vetoed SB 649 which would have achieved the same effect in California.

The League of California Cities' website provides a template letter (sample attached) for cities/towns to adapt and submit online.

#### **FISCAL IMPACT**

None

#### **ATTACHMENT**

League of California Cities' letter



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November 2, 2017

Senator Dianne Feinstein  
United States Senate  
331 Hart Office Building  
Washington, D.C. 20510

Senator Kamala Harris  
United States Senate  
112 Hart Office Building  
Washington, D.C. 20510

Dear Sen. Feinstein and Sen. Harris,

**RE: Opposition to Draft Bill Limiting Local Authority Over Wireless Facilities**

On behalf of the League of California Cities, we urge your opposition to a Senate Commerce Committee draft bill in its current form, which would force local governments to lease out publicly owned infrastructure, eliminate reasonable local environmental and design review, and eliminate the ability for local governments to negotiate fair leases or public benefits for the installation of "small cell" wireless equipment on taxpayer-funded property.

Just this year, the wireless industry pursued similar failed legislation here in California that sought to achieve many of the elements present in this draft bill. The industry's effort here was met with overwhelming opposition from over 325 cities concerned about shifting authority away from our residents, businesses, and communities over to a for-profit industry whose shareholder returns potentially outweigh their considerations for the health, safety, aesthetic, and public benefits of the communities we serve.

To be clear, cities across California share your goals of ensuring all our residents have access to affordable, reliable high-speed broadband and eagerly welcome installation of wireless infrastructure in collaboration with local governments. However, the plain language of this bill in its current form will not help in achieving these goals.

Instead, this draft would impose sharply reduced "shot clock" time limits for local governments to process potentially unlimited wireless facility applications for all sizes, "deem granted" applications for facilities when local governments are unable to meet the stringent time limits regardless of its safety impacts or delays caused by incomplete applications.

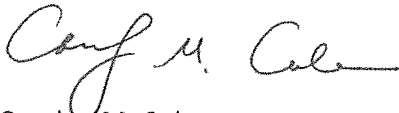
The draft bill also interferes with local governments' management of their own property and their ability to receive appropriate compensation for its use. Local governments actively manage the rights of way to protect their residents' safety, preserve the character of their communities, and maintain the availability of the rights of way for current and future uses. By stringently limiting those factors that local governments may consider in their own land use decisions, and restricting the compensation they receive to the "actual costs" they incur to

process applications, this bill limits local governments' ability to adequately serve and protect residents.

Thank you for your consideration of this request. As Congress considers efforts to improve the rollout of wireless and broadband deployment, we urge you to carefully consider efforts that are more balanced over attempts to simply undermine input from your constituent residents, businesses, and local governments.

If you have any questions or need any additional information, please contact me or the League's Washington advocate, Leslie Pollner ([leslie.pollner@hklaw.com](mailto:leslie.pollner@hklaw.com)) at (202) 469-5149.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn M. Coleman".

Carolyn M. Coleman  
Executive Director

cc: California Congressional Delegation