

To: Members, California State Assembly

Subject: **ALERT! Opposition to SB 649 (Hueso) – Elimination of public input, full design review, and public benefit conditions for installation of wireless industry equipment.**  
Assembly Floor (as amended 9/6/2017)

The California Chapter of the American Planning Association (APA California), the California State Association of Counties (CSAC), the League of California Cities (League), the Rural County Representatives of California (RCRC), and the Urban Counties of California (UCC) are a coalition of local governments, representing nearly every Californian, that overwhelmingly **OPPOSE SB 649**.

Despite promises made by the wireless industry, the sponsor of SB 649, this bill fails to deliver on its most basic promises. Fundamentally, SB 649 seeks to eliminate public input, full local environmental and design review, mandate the leasing of publicly owned infrastructure and eliminate the ability for local governments to negotiate leases or any public benefit for the installation of “small cell” equipment on taxpayer funded property.

#### **Public Input, a Core Principle of Local Democracy, Eliminated For Wireless Installations**

By changing the permitting process from discretionary (conditional-use permits) to a ministerial (building/encroachment permit) process, SB 649 would effectively eliminate the ability for constituents to have a say over the character of their own communities (except for coastal zone and registered historic district communities that are carved out). Most troubling is the shift of power from the community and its elected officials over to for-profit corporations for wireless equipment installations that can often be controversial. Understanding the need to close the digital divide and the many benefits from wireless technology, local elected officials often help balance these needs with the concerns from their residents. Local residents and businesses need their local governments to be equipped to respond when they have legitimate concerns, especially as they relate to the location and design of these installations near or adjacent to their property.

#### **Equipment Larger Than 35 Cubic Feet & Additional Equipment Meets Definition for “Small Cells?”**

While the wireless industry is fully capable of delivering cellular equipment that are truly small or discreet when they collaborate with local governments, the plain language of SB 649 gives the wireless industry allowances for extremely large equipment, 6 cubic feet worth of antennas and 21 cubic feet worth of equipment just on “vertical (pole) infrastructure,” such as street and traffic lights. It also allows the industry to skip these sizes on the poles and instead place up to 35 cubic feet (about the size of a commercial refrigerator) worth of equipment on the ground for each provider on every pole. In addition to this equipment, there are exclusions for at least eight “ancillary” pieces of equipment that have no size or quantity limitations. The innovative equipment we’ve been able to see in California would be effectively rolled back because local governments would no longer be able to require smaller and more discreet designs.

#### **Public (City & County) Property for Private Gain**

In an unprecedented move, SB 649 forces local governments to lease out public property funded by the taxpayer so that wireless corporations can install their equipment to sell their private services. By

eliminating fair market rate leases for use of taxpayer funded property (including city halls, parks, county libraries, and “vertical pole infrastructure”), this bill effectively gives corporations discounted access to these facilities with no requirement to pass their cost-savings onto their customers. Only shareholders would potentially see returns from this sort of discounted access. Furthermore, rents from the use of public property, which every other for-profit business pays, help pay for essential public services, such as police, fire, libraries, and parks. SB 649 sets a dangerous precedent for other private industries to seek similar treatment, further eroding the ability to fund local services.

**Local Government Efforts to Deploy 5G to Rural, Unserved/Underserved Communities Hindered**

As drafted, SB 649 would actually hurt efforts for deployment to rural, unserved, and underserved communities in this state that are still trying to close the digital divide in the 21<sup>st</sup> Century. The truth is SB 649 simply rewards the wireless industry for their existing behavior of deploying their technology only where it makes the most financial sense for them to do so. By eliminating fair market rates and setting up an arbitrary attachment rate of \$250, wireless industry will get discounts well below market rate to more densely install their equipment where their customers are. As local leaders have testified, this cut-rate deal in the state’s population hubs will actually make it more challenging for rural and unserved/underserved communities of this state to attract wireless deployment.

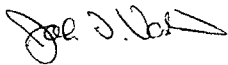
**5G, 4G, 3G, Any G?**

As mentioned earlier, “small cells” are not defined in this bill by any technology standard, but instead by the size of the equipment so long as it delivers “licensed and/or unlicensed spectrum.” In other words, these antennas that would be installed could be for the technology already being deployed today, it could be for antennas that deliver Wi-Fi signals, or it could be for even more basic radio signals. The standards for 5G are still being developed and is years away from being a reality. Despite their most consistent promise, at least initially, 5G is never even mentioned in SB 649.

*While the undersigned organizations support the deployment of wireless facilities to ensure that Californians have access to telecommunications services, this goal is not inherently in conflict with appropriate local planning and appropriate fee negotiations on publically owned infrastructure.*

**For the reasons stated above, we strongly urge a NO vote.**

Sincerely,



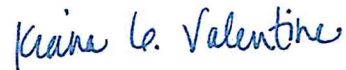
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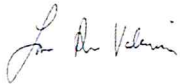
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