

**ACTION ALERT!!****SB 649 (Hueso) Small Cells By Right Installation****OPPOSE****Background:**

Nearly 150 cities, and the League, remain opposed to SB 649 (*as amended June 20*) related to the permitting of wireless and small cell telecommunications facilities. This proposal represents a major shift in telecommunications policy and law by requiring local governments to lease out the public's property, cap how much cities can lease this space out for, eliminate the ability for cities to negotiate public benefits, the public's input and full discretionary review in all communities of the state except for areas in coastal zones and historic districts, for the installation of "small cell" wireless equipment.

As amended, the bill is no longer limited to just "small cells." SB 649 now applies broadly to all telecommunications providers and the equipment they use from "micro-wireless" to "small cell" to "macro-towers." It's clear from the direction of this bill, that the intent is not about 5G wireless deployment, but rather local deregulation of the entire telecommunications industry. This latest version places a new ban on city/county regulation of placement or operation of "communication facilities" within and outside the public right of way far beyond "small cells." This new language would extend local preemption of regulation to any "provider authorized by state law to operate in the rights of way," which can include communications facilities installed for services such as gas, electric, and water, leaving cities and counties with limited oversight only over "small cells."

Despite the wireless industry's claim that the equipment would be "small" in their attempt to justify this special permitting and price arrangement solely for their industry, the bill would allow for antennas as large as six cubic feet, equipment boxes totaling 35 cubic feet (larger than previous bill version of 21 cubic feet), with no size or quantity limitations for the following equipment: electric meters, pedestals, concealment elements, demarcation boxes, grounding equipment, power transfer switches, and cutoff switches.

SB 649 includes language that would, among other things:

- Tie the hands of local government by prohibiting discretionary review of "small cell" wireless antennas and related equipment, regardless of whether they will be collocated on existing structures or located on new "poles, structures, or non-pole structures," including those within the public right-of-way.
- Shut out the public from the permitting process and preempt adopted local land use plans by mandating that "small cells" be allowed in all zones as a use by-right.
- Provide a de facto exemption to the California Environmental Quality Act (CEQA) for the installation of such facilities and precludes consideration by the public of the aesthetic, nuisance impacts, and other environmental impacts of these facilities;
- Cap lease agreements for use of public property at \$250 (it was \$850 under the prior version of the bill) annually per attachment rates for each "small cell." In contrast, some cities have been able to negotiate leases for "small cells" upwards of \$3,000, while others have negotiated "free" access to public property in exchange for a host of tangible public benefits, such as free Wi-Fi in public places, or network build-out to underserved parts of their cities.

**ACTION:** SB 649 will be heard on Wednesday, June 28th at 1:30pm in Assembly Local Government Committee. The bill will also be heard in Assembly Communications and Conveyance Committee. Although SB 649 is not yet calendared for this committee, it is eligible to be heard on the very same day

at the same time, June 28<sup>th</sup> at 1:30 p.m.

**#1:** If you have an Assembly Member on either of these committees, please CALL OR TEXT your Assembly Member as soon as possible and urge their NO vote. Talking points are included in this alert.

**#2:** Every Assembly Member needs to hear from their cities. If you have not yet sent in a city letter of opposition to SB 649, please do so as soon as possible. A sample letter is attached or a letter may also be sent through the League's online [Action Center](#).

### ASSEMBLY LOCAL GOVERNMENT

| Member  | District | Party | Room | Phone        | Fax          |
|---|----------|-------|------|--------------|--------------|
| <a href="#">Aquiar-Curry, Cecilia</a> (Chair) | 4        | D     | 5144 | 916 319 2004 | 916 319 2104 |
| <a href="#">Bloom, Richard</a>                | 50       | D     | 2003 | 916 319 2050 | 916 319 2150 |
| <a href="#">Caballero, Anna</a>               | 30       | D     | 5158 | 916 319 2030 | 916 319 2130 |
| <a href="#">Gonzalez Fletcher, Lorena</a>     | 80       | D     | 2114 | 916 319 2080 | 916 319 2180 |
| <a href="#">Grayson, Timothy</a>              | 14       | D     | 4164 | 916 319 2014 | 916 319 2114 |
| <a href="#">Lackey, Tom</a>                   | 36       | R     | 2174 | 916 319 2036 | 916 319 2136 |
| <a href="#">Ridley-Thomas, Sebastian</a>      | 54       | D     | 2176 | 916 319 2054 | 916 319 2154 |
| <a href="#">Voepel, Randy</a>                 | 71       | R     | 4009 | 916 319 2071 | 916 319 2171 |
| <a href="#">Waldron, Marie</a> (Vice-Chair)   | 75       | R     | 4130 | 916 319 2075 | 916 319 2175 |

### ASSEMBLY COMMUNICATIONS AND CONVEYANCE

| Member                                      | District | Party | Room | Phone        | Fax          |
|---|----------|-------|------|--------------|--------------|
| <a href="#">Bonta, Rob</a>                  | 18       | D     | 2148 | 916 319 2018 | 916 319 2118 |
| <a href="#">Cervantes, Sabrina</a>          | 60       | D     | 5164 | 916 319 2060 | 916 319 2160 |
| <a href="#">Dababneh, Matthew</a>           | 45       | D     | 6031 | 916 319 2045 | 916 319 2145 |
| <a href="#">Garcia, Eduardo</a>             | 56       | D     | 4140 | 916 319 2056 | 916 319 2156 |
| <a href="#">Holden, Chris</a>               | 41       | D     | 5132 | 916 319 2041 | 916 319 2141 |
| <a href="#">Lackey, Tom</a>                 | 36       | R     | 2174 | 916 319 2036 | 916 319 2136 |
| <a href="#">Low, Evan</a>                   | 28       | D     | 4126 | 916 319 2028 | 916 319 2128 |
| <a href="#">Maienschein, Brian</a>          | 77       | R     | 4139 | 916 319 2077 | 916 319 2177 |
| <a href="#">Obernolte, Jay</a> (Vice-Chair) | 33       | R     | 4116 | 916 319 2033 | 916 319 2133 |
| <a href="#">Patterson, Jim</a>              | 23       | R     | 3132 | 916 319 2023 | 916 319 2123 |
| <a href="#">Rodriguez, Freddie</a>          | 52       | D     | 2188 | 916 319 2052 | 916 319 2152 |
| <a href="#">Santiago, Miguel</a> (Chair)    | 53       | D     | 6027 | 916 319 2053 | 916 319 2153 |
| <a href="#">Wood, Jim</a>                   | 2        | D     | 6005 | 916 319 2002 | 916 319 2102 |

You can find your Legislator's contact information here: <http://findyourrep.legislature.ca.gov/>.

### Talking Points:

- Under SB 649 California communities will lose their ability to: negotiate any public benefit such as access for police, fire, or library services; require regular maintenance, repair, or replace broken small cells; and reserve pole space for public safety or energy efficiency technology such as police cameras or solar panels.

- Cities will no longer have the ability to hear public input on the location and design of “small cells” even if right outside their constituents’ homes or in communities attempting to improve aesthetic character in key residential or business areas.
- It’s clear from the direction of this bill, that this is not about 5G wireless deployment, but more about local deregulation of the entire telecommunications industry. This latest version places a new ban on city/county regulation of placement or operation of “communication facilities” within and outside the public right of way far beyond “small cells.”
- Local governments have a responsibility to protect the quality of life for our residents and to protect public property in the public right-of-way.
- SB 649 would limit the rent a local government can charge a wireless company to \$250. The previous version of the bill capped the amount to \$850 and currently there is no cap in place. When local governments spend taxpayer money on street and traffic lights, it’s not expected that they would one day become used for the benefit of one industry.
- What’s truly perverse about SB 649 is that it would actually fail to deliver on stated promises and make it especially tough for cities that always seem to be last in line for new technology to see deployment, while also completely cutting out these communities from the existing process.
  - For example, SB 649 fails to require that their “small cells” deliver 5G, 4G, or any standard level of technology.
  - It also fails to impose any requirement for the wireless industry to deploy their networks to unserved or underserved parts of the state.
- While California has been a leader in wireless deployment, many rural and suburban parts of the state still don’t have adequate network access. The lease cap in the bill guarantees prices for the wireless industry to locate in the state’s “population hubs,” leaving other parts of the state stranded and when the technology finally does deploy, they’ll have no say in the time, place, manner, or design of the equipment, creating two different standards depending on where one lives in the state, one for coastal and historic, and a lower standard for everyone else.