



SMALL CELL WIRELESS TALKING POINTS FOR HF739/SF561

CITY AUTHORITY

- Cities, funded by local property tax payers, currently play an exclusive and fundamental role in developing, locating, siting, and enforcing utility construction and safety standards.
- Current public right-of-way (PROW) laws granting municipal responsibility for management have been successfully in place for the past 20 years.
- PROWs are a limited resource and cities are, and should remain, responsible for making sure that resource is properly and consistently maintained.
- City taxpayers, who would be subsidizing private industry under the proposed bill, look to their own communities to protect public assets.

SAFETY AND AESTHETICS

- The traditional permitting process allows for parties to come up with solutions that are location-appropriate, such as refinements for a redeveloped streetscape vs. a property zoned as industrial.
- Cities must continue to exercise full authority to consider public health, safety, and welfare concerns. That authority includes issues of aesthetic and property value in responding to siting requests.
- As rights-of-way become more crowded, the costs of disrupting critical non-competitive utility infrastructure become evident and the exercise of local authority to manage competing demands and ensure public safety in PROWs becomes increasingly important.
- New towers, poles, boxes, or similar facilities installed in rights of way adjacent to public roads present obvious potential public health and safety concerns which should not be subject to automatic approvals. Instead, those concerns should be addressed solely by local governments through exclusive PROW management authority. (continued on pg. 2)



FOR MORE INFORMATION:

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SAFETY AND AESTHETICS (continued)

- New technology associated with non-regulated private industry intrusion—poles, antenna and number of “add-ons”—might impact safety, pole integrity (wind load concerns, for example).
- Cities need to retain authority to prevent PROW access when that access potentially increases distractions for drivers in rights of way, promotes unsafely encroachment on busy rights of way, compromises or degrades intentionally-designed neighborhood aesthetics (affecting property values), and is inconsistent with council-approved city planning choices.

REVENUE GENERATION

- Cities have the authority to negotiate and collect fees and revenue streams from public and private entities to support maintenance and management of PROWs. Those fees help to offset the costs of providing city services.
- The traditional permitting process already exists and allows both parties to come to an agreement on financial terms. The Legislature should refrain from interfering with those public-private transactions that define free market negotiations.
- The bill allows state government and private industry intrusion into the ability of local governments to generate revenue for the use of scarce and valuable public assets.

FAIRNESS

- Proposed legislation would allow unregulated industry with access to public right-of-way. Would private industry be interested in being subjected to the same regulatory standards as utility entities that use the PROW, in the interest of competitive fairness?
- Proposed legislation may not be fair to utilities and other providers in the PROW.

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