



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

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PATRICK H. WEST
CITY MANAGER

August 15, 2018

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

RE: Opposition to S. 3157 (Thune & Schatz) STREAMLINE Small Cell Deployment Act

Dear Senator Feinstein:

On behalf of the City of Long Beach, I write to oppose Senate Bill 3157, the "Streamlining the Rapid Evolution And Modernization of Leading-edge Infrastructure Necessary to Enhance Small Cell Deployment Act" (STREAMLINE Small Cell Deployment Act). This legislation would significantly limit local governments' ability to regulate the use of the public right of way and of publicly owned infrastructure by wireless telecommunication companies, eliminate reasonable local environmental and design review, and remove the ability for local governments to negotiate public leases or public benefits associated with the installation of "small cell" wireless equipment on taxpayer-funded property. In essence, S. 3157 transfers the power to regulate publicly owned right of way and infrastructure from local governments to telecommunication companies.

Just last year, In California the wireless industry pursued SB 649, which is very similar legislation. Long Beach strongly opposed SB 649 and continues to oppose the telecommunication companies' attempts to neutralize local governments in the decision-making process for permitting infrastructure installations at the federal level. At the same time, Long Beach recognizes the significance of small cell deployment as the next frontier to accessible, affordable, and reliable high-speed internet broadband.

On April 17, 2018, the Long Beach City Council unanimously approved Ordinance No. 18-0012 (The Small-Cell Ordinance) amending our Public Utilities Code to designate under the jurisdiction of the Public Works Department, the regulation and implementation of the installation of wireless telecommunication facilities, or "small-cells" in the public-right-of way. The Small-Cell Ordinance was developed with significant input from many different wireless telecommunication companies, and even received their support. Good faith discussions and negotiations took place as the new Small-Cell Ordinance was being developed and approved.

The City's Small-Cell Ordinance addresses design and aesthetic standards, and clearly sets forth increased clarity of regulations and efficiency of processing applications from the wireless

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industry. By establishing consistent expectations, lowering permitting fees, and streamlining the local approval process, the City's Small-Cell Ordinance gives Long Beach the ability to expeditiously permit technological infrastructure projects while protecting the City's vital interest in its visual environment and public right-of-way.

S. 3157 addresses "shot clock" time limits for local governments to process potentially unlimited wireless facility applications for all sizes, eliminating local environmental and design review and proposing shortening the period of review to 60 days with an unreasonable 'deemed granted' penalty. As proposed, this bill interferes with the ability for our City to manage our own property and to receive compensation for private commercial use purposes.

Long Beach takes pride in supporting a robust economy inclusive of modern technology, well-designed urban spaces, and a beautiful skyline. While the City values services provided by the wireless telecommunication industry, the City must also have the authority to fulfill our land use authority obligations as a local government. Local land use decisions, and the management of public infrastructure should remain within the purview of local jurisdictions. With our new Small-Cell Ordinance, the City expects to have at least 100 new small cell locations citywide by September 2018. Local governments can and will help expand 5G networks without the stringent one-size-fits all approach offered by S. 3157.

Given these reasons, the City of Long Beach opposes S. 3157 (Thune & Schatz).

Sincerely,

A handwritten signature in black ink that reads "P West" with a long horizontal line extending to the right.

Patrick H. West
CITY MANAGER

cc: Congressman Alan Lowenthal, California 47th Congressional District
Congresswoman Nanette Barragan, California 44th Congressional District