



# **TOWN OF FAIRFAX**

## **SPECIAL MEETING STAFF REPORT**

### **July 18, 2018**

**TO:** Mayor and Town Council

**FROM:** Michele Gardner, Town Clerk

**SUBJECT:** Authorize the Mayor to send letters to the Town's Congressional representatives in opposition to S. 3157, the STREAMLINE Act, which would eliminate local discretion over wireless facility infrastructure

---

#### **RECOMMENDATION**

Authorize the Mayor to send letters to the Town's Congressional representatives in opposition to S. 3157, the STREAMLINE Act, which would eliminate local discretion over wireless facility infrastructure.

#### **DISCUSSION**

Vice-Mayor Coler requested this item be added to the agenda. S. 3157, the STREAMLINE Act, 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 last year, the wireless industry's attempt to pursue similar legislation in California, SB 649 (Hueso), failed when it was met with overwhelming opposition from over 325 cities. The Town Council also opposed that legislation. This bill, S. 3157, would shift authority away from residents, businesses, and communities over to private industry whose interest in shareholder returns outweigh their considerations for the health, safety, aesthetic, and public benefits of the communities we serve. The attached draft letter was prepared by the League of California Cities.

#### **FISCAL IMPACT**

n/a

#### **ATTACHMENT**

Draft letter to be modified

**SPECIAL MEETING  
AGENDA ITEM # 1**

\*\*\*TOWN LETTERHEAD\*\*\*

\* \* \* DRAFT Letter in Opposition to S. 3157 STREAMLINE Act \* \* \*

July 16, 2018

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 S. 3157 (Thune & Schatz) STREAMLINE Act**

On behalf of the City (Town) of \_\_\_\_\_, we urge your opposition S. 3157, the STREAMLINE Act, 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 City (Town) of \_\_\_\_\_ was especially 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 our community.

To be clear, the City (Town) of \_\_\_\_\_ shares in the goal 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 in S. 3157 will not help in achieving these goals.

***[EXAMPLE: In fact, [the City/Town of \_\_\_\_\_] has [provide example of any partnerships or progress your city has made in advancing wireless/broadband technology] without the need for any preemptive and prescriptive legislation.***

Instead, this bill 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 the ability for our City to manage our own property and our ability to receive appropriate compensation for its use. The City (Town) of \_\_\_\_\_ actively manages the rights of way to protect our 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 we may consider in our own land use decisions, and restricting compensation only to the “actual costs” we incur to process applications, this would limit our ability to adequately serve and protect our residents.

On behalf of the City/Town of \_\_\_\_\_, thank you for your consideration of our opposition. As Congress considers efforts to improve the rollout of wireless and broadband deployment, we urge you to carefully consider efforts that are more balanced and to reject attempts aimed to undermine input from your constituent residents, businesses, and local governments for this critical infrastructure.

For these reasons, we strongly urge your **OPPOSITION** to S. 3157.

Sincerely,

NAME

TITLE

CITY/TOWN of \_\_\_\_\_

cc: Your Congressional Representative  
Your League Regional Public Affairs Manager (via email)  
Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)