



TOWN OF FAIRFAX

STAFF REPORT

February 6, 2019

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Adopt a Resolution in Support of HR 530, a congressional bill to reinstate local zoning authority over small cell wireless (5G) deployments by reversing recent FCC actions

RECOMMENDATION

Adopt the resolution and authorize Mayor Coler to send the attached letter to our congressional representatives.

DISCUSSION

On January 14, 2019, California Congresswoman Anna Eshoo (D-CA) introduced HR 530, which seeks to reverse the FCC recent actions to accelerate wireless and broadband deployment (aka the 5G rollout). The legislation is supported by the National League of Cities, the National Association of Counties and the National Association of Telecommunications Officers and Advisors.

The bill is concise. It reads in its entirety as follows:

*SEC. 2. PRESERVATION OF RIGHTS OF STATE AND LOCAL GOVERNMENTS.
Actions by the Federal Communications Commission in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" (83 Fed. Reg. 51867) and the Federal Communications Commission's Declaratory Ruling in "Third Report and Order and Declaratory Ruling" (FCC 18-111) shall have no force or effect.*

The proposed resolution not only supports the bill, but also calls on Congress to enact similar legislation to invalidate the FCC's recent actions.

ATTACHMENTS

- A. Resolution
- B. Draft letter

RESOLUTION 19-__

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
IN SUPPORT OF LOCAL ZONING AUTHORITY OVER CELL SITE DEPLOYMENTS AND A
CALL ON CONGRESS TO REINSTATE SUCH AUTHORITY
BY REVERSING RECENT FCC ACTIONS**

WHEREAS, local government has long advocated for universal access to reliable, high-speed broadband service, both wireline and wireless, as these services are critical for the delivery of education, economic development, employment, and a variety of essential services necessary for success and progress in the 21st century; and

WHEREAS, local government believes that the U.S. must win the "Race to 5G" as the timely deployment of 5G broadband networks will have significant implications for U.S. innovation, including in transportation, agriculture, healthcare, education, public safety, manufacturing, commerce, and the development of smart communities; and

WHEREAS, by means of orders issued on August 2, 2018 and September 26, 2018, the Federal Communications Commission took away local government's ability to balance competing interests for the use of the public rights-of-way, taking into account considerations for public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, economic development, and maintenance costs; and

WHEREAS, Representative Anna Eshoo has introduced H.R. 530, legislation to overturn the FCC's actions of August 2 and September 26, 2018;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Fairfax thanks Congresswoman Eshoo for her leadership and calls on Congress to enact, and President Trump to sign, H.R. 530 or similar legislation to invalidate the recent actions taken by the Federal Communications Commission; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Representative Jared Huffman and Senators Feinstein and Harris with a request on behalf of the citizens of Fairfax that they support H.R. 530 or similar legislation.

The foregoing Resolution was duly passed and adopted at a meeting of the Town Council of the Town of Fairfax held in said Town on the 6th day of February 2019 by the following vote, to wit:

AYES:
NOES:
ABSENT:

BARBARA COLER, Mayor

Attest: _____
Michele Gardner, Town Clerk

ATTACHMENT A

DRAFT

Representative Jared Huffman
United States House of Representatives
1630 Longworth HOB
Washington DC 20515

Re: H.R. 530 - Accelerating Wireless Broadband Development by Empowering Local Communities Act

Dear Representative Huffman:

As Mayor of the Town of Fairfax, and on behalf of the constituents we share, I request your leadership in co-sponsoring the Accelerating Wireless Broadband Development by Empowering Local Communities Act (H.R. 530), which Representative Anna Eshoo introduced on January 14, 2019.

H.R. 530 would return local governments' ability to balance competing interests for the use of the public rights-of-way by overturning actions of the Federal Communications Commission in August and September of 2017. While we support the Commission's goal of ensuring affordable broadband access for every American, the Commission's actions do nothing to achieve that goal but do deny local governments the ability to manage the public rights-of-way effectively and equitably, taking into account considerations for public safety, public utility services such as water, sewer, and electricity, the travelling public, environmental concerns, economic development, and maintenance costs.

Your co-sponsorship of H.R. 530 is critical to ensuring local governments have the necessary tools to manage local public assets in a manner that balances competing interests while encouraging responsible deployment of wireless broadband facilities.

Sincerely,

BARBARA COLER
Mayor
Town of Fairfax

cc: Senator Dianne Feinstein
Senator Kamala Harris

ATTACHMENT B