



# TOWN OF FAIRFAX

## STAFF REPORT

### April 7, 2021

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager

**SUBJECT:** Authorize Mayor to send letter in opposition to SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments

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#### **RECOMMENDATION**

Authorize Mayor Ackerman to send a letter opposing SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments.

#### **DISCUSSION**

The League of Cities of California Cities provided the attached letter and the information below.

#### **Background:**

In 2018, the Federal Communications Commission (FCC) voted to limit the authority and standards that states and local governments can require for the installation and/or deployment of small cell wireless facilities. However, the FCC regulations explicitly protect the ability of local governments to ensure that such installations meet appearance and design standards, maintain traffic safety, protect historical resources' integrity, and safeguard citizens' quality of life. Additionally, local governments can continue to charge fees that are a reasonable approximation of the local government's actual and direct costs, including costs to maintain a structure within the right-of-way, process an application or permit, and review a siting application.

**SB 556 (Dodd) is in direct conflict with the FCC's regulations.** SB 556 is an attempt by the telecommunications industry to undermine local authority while making no meaningful progress towards closing the digital divide in California's unserved and underserved communities.

#### **What Does SB 556 Specifically Do to Conflict with Federal Law?**

- Requires local governments to make space available on street light poles, traffic signal poles, utility poles, and other public infrastructure to telecommunications providers without recognizing local authority to manage the public right-of-way preserved in federal law; and
- Creates ambiguity in the fees local governments can charge for access to their infrastructure. SB 556 chooses not to incorporate federal conditions for valid fees, further restricting fees to "actual cost" and "reasonable actual cost" which conflicts with federal law.

**ATTACHMENT:** Sample letter

Sample letter

The Honorable Ben Hueso  
Chair, Senate Energy, Utilities, and Communications Committee  
State Capitol Building, Room 4035  
Sacramento, CA 95814

RE: **SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments.**  
**Notice of OPPOSITION** (As Amended 03/16/21)

Dear Senator Hueso:

The Town of Fairfax must respectfully oppose SB 556 (Dodd), related to wireless broadband infrastructure deployment.

SB 556 directly conflicts with the Federal Communications Commission's (FCC) adopted regulations on wireless services deployment, which cities and counties across the nation are actively implementing. This measure requires local governments to make space available to telecommunications providers without recognizing local authority to manage the public right-of-way preserved in federal law. FCC regulations explicitly enable local governments to ensure that such installations meet appearance and design standards, maintain traffic safety, protect historical resources' integrity, and safeguard citizens' quality of life. To protect the public's investment, the control of the public rights-of-way must remain local.

Additionally, SB 556 creates ambiguity in the fees local governments can charge for access to their infrastructure. Federal law explicitly outlines conditions for valid fees, limiting fees to a "reasonable approximation of the local government's actual and direct costs," including costs to maintain a structure within the right-of-way, process an application or permit, and review a siting application. SB 556, on the other hand, chooses not to incorporate these federal standards, further restricting fees to "actual cost" and "reasonable actual cost." If the goal of SB 556 is to implement the existing FCC orders into state law, there should be no added ambiguity created by changes from what was already decided at the federal level.

**PLEASE CITE SPECIFIC CONCERNS AND HOW YOUR CITY WILL BE AFFECTED BY THIS BILL HERE.**

SB 556 is an attempt by the telecommunications industry to undermine local authority while making no meaningful progress towards closing the digital divide in California's unserved and underserved communities. As previously mentioned, cities and counties across the nation are implementing the FCC's orders. If California is to close the digital divide, legislative efforts should focus on encouraging and incentivizing telecommunications companies to service areas that for too long have not had access to reliable and affordable internet.

While the Town of Fairfax stands ready to work with the Legislature to further the state's broadband goals, these efforts do not inherently conflict with the appropriate local authority to manage the right-of-way and comply with existing FCC decisions. For these reasons, the Town of Fairfax opposes SB 556 (Dodd).

Sincerely,

Bruce Ackerman  
Mayor, Town of Fairfax

cc: The Honorable Bill Dodd  
**Senator & Assembly Member**  
Nancy Hall Bennett, [nbennett@cacities.org](mailto:nbennett@cacities.org)  
League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)