

May 16, 2017
Issue #39

SB 649 – A “Small Cell” Bag of Empty Promises

Yesterday the League [testified](#) in Senate Appropriations Committee in [opposition](#) to Sen. Ben Hueso's (D-San Diego) [SB 649](#), a bill relating to the permitting and leasing of public property for installation of “small cells.”

League Legislative Representative Rony Berdugo fired off the following reasons why the proponents' promises of rapid 5G deployment, jobs, and giving locals discretion fall flat, noting that there's:

- No requirement in the bill for the “small cells” to be equipped with 5G or even 4G technology;
- No requirement in the bill for the “small cells” to be deployed in unserved and underserved communities of the state; and
- Complete discretion over “small cell” installation is limited to only coastal zones and historic districts.

He further explained why every other community will suffer from losing the benefits of complete discretionary review, such as:

- Requiring small cells to blend into their environment, such as palm trees or paint colors on decorative infrastructure;
- Preventing small cell installation outside of areas that may obstruct the view from someone's home or from installing other technology on the same property without “substantial evidence” for needing to do so;
- Negotiating a public benefit, such as access for police, fire, and library services;
- Requiring regular maintenance, maintenance during certain hours of the day, or repair/replacement of broken or dilapidated “small cells;” and
- The ability for cities to improve the character of their communities and their ability to attract business, especially for communities that have been historically marginalized.

He concluded by informing the committee about the dangerous precedent SB 649 would set by eroding the ability for local governments to leverage public property to achieve the greatest public benefit, such as generating flexible general fund revenues to pay for services such as police, fire, and libraries or for providing network access to first responders. While cities across the state are welcoming the wireless industry into their communities, embracing new technologies, such a rollout should not happen at the expense of public input and local collaboration.

The [League's full testimony](#) is available to watch.

Next Steps

The bill has until May 26 to clear the fiscal committee deadline should the bill pass out of committee before it heads to the Senate floor for a vote.

Cities are encouraged to contact legislators immediately and oppose SB 649. This is crucial if cities will be able to retain full discretion and ability to charge fair market rates over publicly owned property.

A sample letter, along with the League's opposition letter is available at www.cacities.org/billsearch by plugging SB 649 into the search function.