

## **CITIES OPPOSE S. 3157 – Streamlining The Rapid Evolution And Modernization of Leading-edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act**

**Cities oppose S. 3157 because it will:**

- **Complicate Existing Efforts to Deploy Small Cell Infrastructure**
  - Roughly half of all US states have already passed legislation specifically addressing the deployment of small cell wireless structures, and the local governments in those states are busy implementing new ordinances and procedures to comply with those changes.
  - Forcing a one-size-fits-all preemption will harm local negotiations and policy work, slowing the deployment of new infrastructure.
  - Cities have traditionally negotiated with providers on issues such as the location, appearance, and size of wireless infrastructure. This bill severely limits the ability of cities to ensure that infrastructure suits the neighborhood around it.
  - The bill also limits the ability of cities to act in a proprietary capacity – to decide whether or not to allow private use of public property at all.
- **Transfer Public Property to Private Companies with No Public Obligation**
  - S. 3157 restricts the rental rates cities can charge for use of public property such as the right-of-way and municipally-owned poles, in direct violation of the 5<sup>th</sup> and 10<sup>th</sup> Amendments.
  - Limiting rental rates to “actual and direct costs” also violates the gift prohibition of many state constitutions.
  - This forces taxpayers to subsidize private, commercial development, without any corresponding obligation on providers to serve communities in need or contribute to closing the digital divide in those markets.
- **Create a New Unfunded Mandate on Local Governments**
  - The new timelines for cities to review applications for small cells on public property are substantially shorter than the timelines the federal government allowed itself in the MOBILE NOW Act, yet cities have fewer resources than federal agencies.
  - These harsh timelines limit the resources cities have for other public needs, such as road maintenance and public safety. While small cell sites are smaller than macrotowers, they do not require an equivalently smaller amount of review and oversight.
  - The punishment for failing to meet these new, more stringent timelines is also unreasonable – automatically deeming granted any application which runs out the shot clock.

**For more information, contact Angelina Panettieri, Principal Associate for Technology and Communications at [panettieri@nlc.org](mailto:panettieri@nlc.org).**