

MOTION

Senate Bill 649 is legislation introduced in the current State Legislative session in order to remove local control over siting decisions for cellular network hardware known as "small cells." This bill would also cap the amount that a jurisdiction can charge to recover costs and generate revenue from the rent of its own public infrastructure for a private business purpose.

On September 14, 2017, the California State Senate passed SB 649 and sent it to the Governor's Desk for signature. It remains there, pending consideration of his signature or his veto.

According to the Senate floor analysis of the bill, SB 649 would interfere with the rights of local jurisdictions by "extend[ing] by-right development to small cells, and it prohibits local governments from establishing discretionary permitting processes in rights of way and commercial and industrial zones. SB 649 requires local governments to offer up their vertical infrastructure in the rights of way and commercial and industrial zones for use by other entities and removes their ability to charge fair rent by capping lease fees for vertical infrastructure."

While the bill would enable a more rapid and easier build out of small cell telecommunications infrastructure, it does so by depriving the residents of the City of Los Angeles of the full rights to their infrastructure, upon which they have spent millions of dollars to construct and maintain. Furthermore, this bill would transfer control of an asset that exists for the public good to private telecommunications carriers, with little or no recourse for neighborhoods with historic or unique character to ensure that the small cells are designed in a manner consistent with that character.

I THEREFORE MOVE that the City Council REQUEST that the City Attorney report on the potential implications of SB 649 on the City's authority to exercise property rights over the light poles and other vertical infrastructure that belong to the people of the City of Los Angeles, including its right to recover appropriate costs and charges for attachments to that property, and consider litigation against the state for any unlawful or unconstitutional interference with this Council's exercise of that property right, if necessary.

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