

SB 649 (HUESO): WIRELESS TELECOMMUNICATIONS FACILITIES

POSITION: The Chamber's Infrastructure, Housing & Land Use Committee voted to SUPPORT SB 649 on July 18, 2017.

STATUS: SB 649 was introduced by Senator Ben Hueso on February 17, 2017. After various rounds of amendments, it passed out of the Senate and the Assembly Committee on Communications & Conveyance on July 11, 2017. It currently awaits hearing in the Assembly Appropriations Committee.

AT-A-GLANCE

SB 649 changes the permitting and leasing process of small cell wireless facilities to accommodate increasing demand and prepare for future generations of connectivity. The bill provides uniform guidelines for leasing vertical infrastructure located in public right of ways.

SUMMARY

SB 649 establishes streamlined protocols for the deployment of small cell technology, used in the delivery of wireless services. Small cell networks are made up of small nodes that are attached often to utility poles and streetlights. These nodes are capable of delivering more capacity than a traditional tower and are smaller than the traditional cell site.

This bill provides that a small cell is a permitted use if it meets specified requirements, thereby easing regulatory burden of deploying the technology. Furthermore, it authorizes local jurisdictions to require an encroachment or building permit (and other necessary permits), and allows for three types of fees to be charged.

ANALYSIS

In summary, SB 649 scales back permitting processes for the equipment necessary to deploy small cell technology and standardizes the rate and types of charges a local jurisdiction can employ in the process of evaluating a small cell request. Currently, there are concerns that cities throughout the country are circumventing applications for small cell technology, undermining the growing demand for connectivity and services supported by small cell. As the country readies itself for 5G and builds the infrastructure necessary, it must invest in small cell and other technology that can meet the demands of the public. Small cells have a demonstrated ability to increase wireless capacity in areas with high user densities, improve coverage and reduce power consumption. The issue that SB 649 sought to address was the permitting of the nodes and the ways in which local jurisdictions can coordinate with the industry to ensure predictability and transparency.

For decades, the state has adopted expediting measures in regard to usage of local vertical infrastructure and telecommunication. These regulations outlined permit processes for use of telephone poles and rate structures when using said poles. These laws have been bolstered and amended per federal guidelines as well, such as the Telecommunications Act of 1996, when Congress sought to speed up local governments' consideration of wireless facility siting applications. As improvements in technology and connectivity have occurred over decades, regulatory frameworks have not kept pace and often approving jurisdictions have slowed or stifled that opportunity, resulting in bills such as SB 649.

Local governments have expressed concerns about local control issues, believing that SB 649 would strip them of oversight of approval and the ability to fully recoup fees, or to extract fees that are currently used for other supportive programs within a city or county. Under current law, cities and counties are free to charge exorbitant fees on the technology, thereby disincentivizing the investment in small cell technology and the infrastructure it provides for 5G rollout.

SUPPORT

- Ctia
- AT&T
- California Black Chamber of Commerce
- California Hispanic Chamber of Commerce
- California Manufacturers & Technology Association
- Cleantech San Diego
- Downtown San Diego Partnership
- Orange County Business Council
- Poway Chamber of Commerce
- Qualcomm
- San Diego Regional Economic Development Corporation
- Sprint
- T-Mobile
- TechNet
- Verizon
- Others

OPPOSE

- American Planning Association, California Chapter
- BabySafe Project
- California Brain Tumor Association
- California State Association of Counties
- City of Encinitas
- City of Chula Vista
- City of San Marcos
- County of San Diego
- League of California Cities
- Others