



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE ▪ BEVERLY HILLS, CALIFORNIA 90210

Robert Wunderlich, Mayor

May 12, 2021

The Honorable Bill Dodd
Senator 3rd District
State Capitol, Room 2082
Sacramento, CA 95814

RE: SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments.
City of Beverly Hills OPPOSE

Dear Senator Dodd,

On behalf of the City of Beverly Hills, I write to you in respectful OPPOSITION to SB 556, your measure to require a local government or municipal utility to make local street light and traffic signal poles available for the placement of small cell wireless facilities. We have reviewed the latest amendments to SB 556 dated April 27, 2021 and remain concerned that this measure is too restrictive in respect to the authority of local governments to impose sufficient fees to protect and maintain our public right of way. Additionally, SB 556 conflicts with recent orders issued by the Federal Communications Commission (FCC) regarding deployment of wireless services.

In 2001, the City of Beverly Hills adopted a Cable, Video, and Telecommunications Service Providers Ordinance which recognizes the importance of local authority over zoning and planning decisions related to telecommunications infrastructure, as well as the right of the City to obtain fair and reasonable compensation when authorizing the private use of public property and rights of way.

SB 556 directly conflicts with local standards that have worked well for years and sets a dangerous precedent by seriously usurping local control. SB 556 creates unnecessary layers of state restrictions on local authority to manage infrastructure in the public right-of-way. Local officials will be left to deal with the after effects long after the Legislature turns its attention to other matters.

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. 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 creates ambiguity in the fees local governments can charge for access to their infrastructure.

We remain concerned that SB 556 fails to require carriers to provide public benefits in exchange for the authority granted by the bill. By enacting convoluted restrictions to local authority to oversee the installation of small cell attachments, SB 556 will tie the hands of local governments that want to derive some public benefit commensurate with the private benefit that carriers receive.

For these reasons, the City of Beverly Hills must respectfully oppose SB 556.

Sincerely,



Robert Wunderlich

Mayor, City of Beverly Hills

Cc: Members and Staff, Senate Appropriations Committee
The Honorable Ben Allen, Senator, 26th District
The Honorable Richard Bloom, Assemblymember 50th District
Andrew K. Antwih, Shaw Yoder Antwih Schmelzer & Lange