



CITY of LAGUNA NIGUEL

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CITY COUNCIL

Mayor Fred Minagar
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Council Member Rischi Paul Sharma

July 8, 2021

The Honorable Lorena Gonzalez
Chair, Assembly Appropriations Committee
Legislative Office Building, Room 2114
Sacramento, CA 95814

RE: SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments.
Notice of OPPOSITION *(As Amended 06/28/21)*

Dear Assembly Member Lorena Gonzalez,

The City of Laguna Niguel must respectfully oppose SB 556 (Dodd), related to wireless broadband infrastructure deployment. While we oppose SB 556, The City of Laguna Niguel is committed to closing the digital divide while continuing to protect and modernize the critical infrastructure.

SB 556 directly conflicts with the Federal Communications Commission's (FCC) adopted regulations on wireless services deployment, which cities and counties across the nation are actively implementing. This measure requires local governments to make space available to telecommunications providers without recognizing local authority to manage the public right-of-way preserved in federal law. 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. To protect the public's investment, the control of the public rights-of-way must remain local.

Additionally, SB 556 creates ambiguity in the fees local governments can charge for access to their infrastructure. 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, on the other hand, chooses not to incorporate these federal standards, further restricting fees to "actual cost" and "reasonable actual cost." If the goal of SB 556 is to implement the existing FCC orders into state law, there should be no added ambiguity created by changes from what was already decided at the federal level.

SB 556 is in direct opposition to the City of Laguna Niguel's adopted legislative platform regarding utilities in the public right-of-way. Not only does SB 556 allow for unfettered access to the public right-of-way, but it does so at the expense of the City being able to obtain fair and appropriate compensation. In a time when cities are facing complex fiscal challenges, losing the ability to receive appropriate compensation for both up-front and long-term maintenance costs has a detrimental impact on cities' budgets.

SB 556 is an attempt by the telecommunications industry to undermine local authority while making no meaningful progress towards closing the digital divide in California's unserved and underserved communities. As previously mentioned, cities and counties across the nation are implementing the FCC's orders. If California is to close the digital divide, legislative efforts should focus on encouraging and incentivizing telecommunications companies to service areas that for too long have not had access to reliable and affordable internet.

While the City of Laguna Niguel stands ready to work with the Legislature to further the state's broadband goals, these efforts do not inherently conflict with the appropriate local authority to manage the right-of-way and comply with existing FCC decisions. For these reasons, the City of Laguna Niguel opposes SB 556.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Minagar". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Fred Minagar
Mayor
City of Laguna Niguel