



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
March 12, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Susan Wengraf, Kate Harrison, Cheryl Davila, and Sophie Hahn

Subject: Letter Requesting Congresswoman Lee's Support of HR. 530 (Eshoo)

RECOMMENDATION

Send a letter urging U.S. Representative Barbara Lee to co-sponsor H.R. 530 - *Accelerating Broadband Development by Empowering Local Communities Act of 2019* which would repeal FCC limits on local regulation of 5G infrastructure.

FINANCIAL IMPLICATIONS

None

BACKGROUND

Rep. Anna Eshoo (CA-18) introduced H.R. 530 - *Accelerating Broadband Development by Empowering Local Communities Act of 2019*, to overturn the FCC's order preempting local authority over small cell wireless infrastructure. The FCC's regulations sharply limit the type and amount of fees cities and states may charge for profit-generating use of public property, set "shot clocks" as low as 60 days for cities and states to conduct all necessary inspections and authorize proposals, and drastically limit non-fee requirements that cities and states may impose.

While H.R. 530 would not preclude future FCC or congressional preemption of cities on wireless infrastructure, it would halt the FCC's restrictive preemption order, which ignored the input of hundreds of local governments. The bill also complements ongoing efforts to overturn the FCC order in federal courts, and the investigation by congressional leaders into alleged attempts by the FCC to thwart that litigation.

The FCC allowed the telecommunications industry to write these regulations without sufficient input from local leaders. This has led to regulations that restrict cities from requiring carriers to meet the needs of communities in which they want to operate. The FCC's order unnecessarily complicates existing agreements and negotiations between cities and wireless providers by imposing a one-size-fits-all preemption of existing state and local policies. The FCC's limits on fees for use of publicly owned property by private companies is an extreme overreach by the federal government, forcing cities to subsidize development at the cost of other critical local services.

The following leaders in Congress have signed on as co-sponsors:

[Rep. Speier, Jackie \[D-CA-14\]\\*](#)  
[Rep. Bonamici, Suzanne \[D-OR-1\]](#)  
[Rep. McGovern, James P. \[D-MA-2\]](#)  
[Rep. Swalwell, Eric \[D-CA-15\]](#)  
[Rep. Suozzi, Thomas R. \[D-NY-3\]](#)  
[Rep. Grijalva, Raul M. \[D-AZ-3\]](#)  
[Rep. Blumenauer, Earl \[D-OR-3\]](#)  
[Rep. DeSaulnier, Mark \[D-CA-11\]](#)

ENVIRONMENTAL SUSTAINABILITY

Unknown

CONTACT PERSON

Councilmember Wengraf

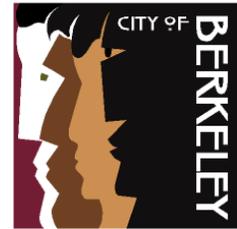
Council District 6

510-981-7160

Attachments:

1: Letter to Barbara Lee

2. [Text of H.R. 530](#)



The Honorable Barbara Lee  
United States House of Representatives  
2470 Rayburn House  
Office Building  
Washington, DC 20515

Dear Representative Lee:

On behalf of the City of Berkeley we are writing to express our support of H.R. 530, the *Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019*, and urge you to co-sponsor this bill. H.R. 530 repeals recent harmful FCC regulations limiting the ability of local governments to regulate the deployment of 5G wireless infrastructure.

Last year, the FCC adopted regulations limiting the authority of cities and states to regulate small cell sites (e.g., attachments to street light and utility poles) needed for the deployment of 5G. The FCC's regulations sharply limit the type and amount of fees cities and states may charge for profit-generating use of public property, set "shot clocks" as low as 60 days for cities and states to conduct all necessary inspections and authorize proposals, and drastically limit non-fee requirements cities and states may institute. The regulations began taking effect on January 14, 2019.

The FCC allowed the telecommunications industry to write these regulations without sufficient input from local leaders. This has led to regulations that restrict cities from requiring carriers to meet the needs of communities in which they want to operate. The FCC's order unnecessarily complicates existing agreements and negotiations between cities and wireless providers by imposing a one-size-fits-all preemption of existing state and local policies. The FCC's limits on fees for use of publicly owned property by private companies is an extreme overreach by the federal government, forcing cities to subsidize development at the cost of other critical local services.

We all want to ensure efficient, safe, and appropriate deployment of new broadband technology. However, this sweeping regulation is not the best approach. The City of Berkeley urges you to support and co-sponsor H.R. 530, and to work together with local governments to find the best solution for effective 5G deployment that meets the diverse needs of our nation's many unique communities.

Sincerely,

The Berkeley City Council

CC: Sam Caygill, East Bay Division, League of California Cities, [scaygill@cacities.org](mailto:scaygill@cacities.org)  
League of California Cities ([cityletters@cacities.org](mailto:cityletters@cacities.org))

# H. R. 530

To provide that certain actions by the Federal Communications Commission shall have no force or effect.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2019

Ms. ESHOO (for herself and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide that certain actions by the Federal Communications Commission shall have no force or effect.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Accelerating Broadband Development by Empowering Local Communities Act of 2019”.

### **SEC. 2. PRESERVATION OF RIGHTS OF STATE AND LOCAL GOVERNMENTS.**

Actions by the Federal Communications Commission in “Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” (83 Fed. Reg. 51867) and the Federal Communications Commission’s Declaratory Ruling in “Third Report and Order and Declaratory Ruling” (FCC 18–111) shall have no force or effect.