Dear Ranking Member Cantwell:

On behalf of the City of Beverly Hills, I write to you in SUPPORT of S. 2012, Restoring Local Control Over Public Infrastructure Act. This important legislation will overturn the Federal Communications Commission’s (FCC) unwarranted regulations, which removed local governments’ jurisdictions over 5G wireless deployment. S. 2012 represents a critical step in restoring the inherent rights of local governments to protect their residents’ safety, health, and quality of life and I respectfully request the Commerce, Science, and Transportation Committee to lend its support to this important legislation.

Under FCC regulations that took effect on January 14, 2019, local governments are required to lease publicly owned infrastructure to for-profit wireless carriers for the installation of small cellular equipment. Furthermore, the regulations eliminated the ability of local jurisdictions to negotiate fair leases or public benefits for the installation of “small cell” wireless equipment on taxpayer-funded infrastructure. Equally disconcerting is how these new regulations interfere with local governments’ management of their own infrastructure and how they mandate a city to process wireless applications in as few as 60-days.

Additionally, the new FCC regulations severely limit the local environmental and design review standards as they apply to 5G network equipment. The severe constraint on design
review standards will lead to more unsightly, wireless communication towers. Additionally, we are concerned about potential failure of street light poles, as the infrastructure may not have been designed for the installation of multiple small cell tower structures. In the event of such a failure, local governments could be exposed to serious liability risks and costs as they are very limited in denying applications for the installation of 5G equipment.

While our City agrees with 5G broadband deployment in our community, local governments have a solemn obligation to protect the public good and manage public assets. The elimination of fair market rate leases for use of taxpayer funded property (including city halls, police stations, fire stations, public parks, libraries, and “vertical pole infrastructure”), provided privately owned, for-profit corporations discounted access to our facilities with no requirement to pass their cost-savings on to their customers.

The City of Beverly Hills’ Cable, Video, and Telecommunications Service Providers Ordinance, established in 2001, 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. S. 2012, is a critical piece of legislation to restore our City’s local authority rights over the installation of wireless telecommunication facilities.

The City of Beverly Hills thanks you for your consideration and respectfully requests you to favorably report S. 2012 out of Committee.

Sincerely,

John A. Mirisch
Mayor, City of Beverly Hills

cc: Senator Dianne Feinstein
     Jamie Jones, David Turch & Associates