



Legislation Text

File #: 18-1067, **Version:** 1

Resolution to Oppose SB 0637 - Small Wireless Facilities

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Reviewed by: Matthew Rechtien, Senior Assistant City Attorney

Approved by: City Council Policy Agenda Committee

Whereas, Regulation of the public right of way (ROW) is a fundamental power of the City, as a local government, to exercise on behalf of its residents;

Whereas, It is wholly appropriate for local governments to achieve such regulation through, among other things, license agreements;

Whereas, Through such agreements, local governments have the ability to, among other things:

- Require colocation of facilities on a single pole, which prevents the proliferation of poles.
- Require telecommunications companies to provide additional capacity for municipal uses, which is an essential component of these types of private uses of a public asset.
- Address the aesthetics of installations in the ROW outside of historic or residential districts (allowing for reasonable regulation of the form and design of the devices will force better engineering).
- Establish fiscal responsibility for removal of small cell facilities (including poles) and restoration of the ROW when the devices become functionally obsolete or inoperable.
- Require free WIFI services in public areas, which is both a competitive and equity issue;

Whereas, SB 0637, if enacted into law, would severely preempt and therefore limit these regulatory powers;

Whereas, Increasing access to telecommunications services is a social equity priority that providers do not voluntarily meet unless required to do so by regulation. Accordingly, any deprivation of the City's regulatory power will exacerbate the "digital divide" separating its residents; and

Whereas, As telecommunications providers move toward wireless communications and away from cable connections, the primary funding mechanism for local access television networks will evaporate, and transferring this source of income to emerging technologies that require use of a public access is wholly appropriate;

RESOLVED, The City Council of the City of Ann Arbor oppose enactment of SB 0637 and directs the

City Administrator to communicate the City's opposition to elected officials at the State government who represent the City's residents.

Sponsored by Councilmembers Lumm, Smith, Warpehoski and Kailasapathy