



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
www.cacities.org

July 10, 2018

Senator Dianne Feinstein  
United States Senate  
331 Hart Office Building  
Washington, D.C. 20510

Senator Kamala Harris  
United States Senate  
112 Hart Office Building  
Washington, D.C. 20510

Dear Sen. Feinstein and Sen. Harris,

**RE: Opposition to S. 3157 (Thune & Schatz) – STREAMLINE “Small Cells” Act**

On behalf of the League of California Cities, we urge your opposition to S. 3157 (Thune & Schatz), the STREAMLINE Act. The bill would force local governments to lease out publicly owned infrastructure, eliminate reasonable local environmental and design review, and eliminate the ability for local governments to negotiate fair leases or public benefits for the installation of “small cell” wireless equipment on taxpayer-funded property.

Just last year, the wireless industry pursued similar failed legislation here in California that sought to achieve many of the elements present in this bill. The industry’s effort here was met with overwhelming opposition from over 325 cities concerned about shifting authority away from our residents, businesses, and communities over to a for-profit industry whose shareholder returns potentially outweigh their considerations for the health, safety, aesthetic, and public benefits of the communities we serve.

To be clear, cities across California share in the goal of ensuring all our residents have access to affordable, reliable high-speed broadband and eagerly welcome installation of wireless infrastructure in collaboration with local governments. However, this bill will not help in achieving these goals.

Instead, this bill interferes with local governments’ management of their own property and their ability to receive fair compensation for its use. Local governments actively manage the rights of way to protect their residents’ safety, preserve the character of their communities, and maintain the availability of the rights of way for current and future uses. By stringently limiting those factors that local governments may consider in their own land use decisions, and restricting the compensation they receive to the “actual costs” they incur to process applications, this bill limits local governments’ ability to adequately serve and protect residents.

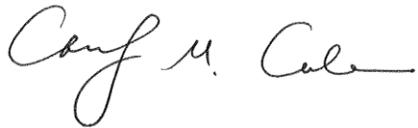
Furthermore, this bill would transfer public property to private companies with no public obligation. S. 3157 restricts the rental rates cities can charge for use of public property such as the right-of-way and municipally owned poles, in direct violation of the 5th and 10th

Amendments of the U.S. Constitution while also limiting rental rates to “actual and direct costs” which also violates the gift prohibition of many state constitutions. This forces taxpayers to subsidize private, commercial development, without any corresponding obligation on providers to serve communities in need or contribute to closing the digital divide in those markets.

This bill can have lasting damaging impacts on the character of each individual city, while simultaneously creating an undue burden on taxpayers to subsidize the irresponsible deployment of wireless infrastructure for private corporations. S. 3157 should be rejected and wireless providers should be instead encouraged to work in collaboration with their local government partners to deploy this critical infrastructure.

For these reasons, the League of California Cities is **OPPOSED to S. 3157 (Thune & Schatz)**. If you have any questions or need any additional information, please contact me or the League's Washington advocate, Leslie Pollner ([leslie.pollner@hklaw.com](mailto:leslie.pollner@hklaw.com)) at 202.469.5149.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Coleman". The signature is written in a cursive, flowing style.

Carolyn Coleman  
Executive Director

cc: California Congressional Delegation