



September 28, 2017

The Honorable Edmund G. Brown Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

**RE: Senate Bill 649 (Hueso)—Wireless Telecommunications Facilities.
*REQUEST FOR VETO***

Dear Governor Brown:

The City of Hayward strongly opposes Senate Bill (SB) 649 relating to the permitting of wireless and small cell telecommunications facilities and respectfully requests a veto of the legislation. Senate Bill 649 eliminates public input, full local environmental and design review, and the ability for local governments to negotiate leases or any public benefit for the installation of “small cell” equipment on taxpayer-funded property. The bill sets a very bad precedent for control of local permitting processes, requiring the equipment to be allowed on public property in any zone and be subject to a confusing permitting process carved out for the sole benefit of the wireless industry.

One of our primary concerns with SB 649 is that by changing the permitting process from discretionary (conditional-use permits) to a ministerial (building/encroachment permit) process, the bill would effectively eliminate the ability for constituents to have a say over the character of their own communities. Understanding the need to close the digital divide and the many benefits from wireless technology, local elected officials often help balance these needs with the concerns from their residents. Local residents and businesses need their local governments to be equipped to respond when they have legitimate concerns, especially as they relate to the location and design of these installations near or adjacent to their property.

Senate Bill 649 also forces local governments to lease out public property funded by the taxpayer so that wireless corporations can install their equipment to sell their private services. By eliminating fair market rate leases for use of taxpayer funded property (including public buildings, parks, county libraries, and “vertical pole infrastructure”), this bill effectively gives corporations discounted access to these facilities with no requirement to pass their cost-savings onto their customers. Rents from the use of public property, which every other for-profit business pays, help pay for essential public services, such as public safety, fire, libraries, and parks. This bill sets a dangerous precedent for other private industries to seek similar treatment, further eroding the ability to fund local services.

The City of Hayward fully supports the deployment of wireless facilities to ensure that Californians have access to telecommunications services, but remains very concerned about

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legislation such as SB 649 that eliminates the ability for local governments to collaborate with the wireless industry to ensure the public receives maximum benefit.

For these reasons, the City of Hayward respectfully requests you veto this legislation.

Sincerely,


Barbara Halliday
Mayor

cc: Senator Ben Hueso, 40th District
Senator Bob Wieckowski, 10th District
Assembly Member Bill Quirk, 20th District
Hayward City Council
Kelly McAdoo, City Manager
Richard Harmon, Townsend Public Affairs
Sam Caygill, League of California Cities, East Bay Division, scaygill@cacities.org