



CONSENT CALENDAR

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: August 27, 2019

Subject: Senator Feinstein/Congresswoman Eshoo Bills Regarding FCC Rulemaking

Prepared by: Chris Jordan, City Manager

Attachment(s):

1. S. 2012
2. H.R. 530
3. Draft letters to Senator Feinstein and Representative Eshoo

Initiated by:

City Council

Previous Council Consideration:

Fiscal Impact:

None

Environmental Review:

Not Applicable

Policy Question(s) for Council Consideration:

- Does the City Council wish to send a letter to Senator Feinstein and Representative Eshoo supporting their bills regarding the implementation of certain FCC Rulemakings?

Summary:

- Both Senator Feinstein (S. 2012) and Congresswoman Eshoo (H.R. 530) have introduced bills regarding the FCC Rulemaking associated with the implementation of wireless infrastructure
- The FCC Rulemaking in the “Third Report and Order and Declaratory Ruling in the matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment and Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment” has removed opportunities for local public agencies to regulate the deployment of this infrastructure within each city

Staff Recommendation:

The Council should move to approve sending a letter to both Senator Feinstein and Representative Eshoo supporting their bills

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE

116TH CONGRESS
1ST SESSION

S. 2012

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

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Ms. HARRIS, Mr. BENNET, Mr. WYDEN, Mr. CARDIN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Local Con-
5 trol Over Public Infrastructure Act of 2019”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “Commission” means the Fed-
8 eral Communications Commission.

1 **SEC. 3. PRESERVATION OF RIGHTS OF STATE AND LOCAL**
2 **GOVERNMENTS.**

3 The following regulatory actions of the Commission
4 shall have no force or effect:

5 (1) The Declaratory Ruling in the “Third Re-
6 port and Order and Declaratory Ruling in the mat-
7 ter of Accelerating Wireline Broadband Deployment
8 by Removing Barriers to Infrastructure Investment
9 and Accelerating Wireless Broadband Deployment
10 by Removing Barriers to Infrastructure Investment”
11 adopted by the Commission on August 2, 2018
12 (FCC 18–111).

13 (2) The “Declaratory Ruling and Third Report
14 and Order in the matter of Accelerating Wireless
15 Broadband Deployment by Removing Barriers to In-
16 frastructure Investment and Accelerating Wireline
17 Broadband Deployment by Removing Barriers to In-
18 frastructure Investment” adopted by the Commis-
19 sion on September 26, 2018 (FCC 18–133).

20 (3) The rule adopted by the Commission enti-
21 tled “Accelerating Wireless and Wireline Broadband
22 Deployment by Removing Barriers to Infrastructure
23 Investment” (83 Fed. Reg. 51867 (October 15,
24 2018)).

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116TH CONGRESS
1ST SESSION

H. R. 530

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

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accelerating
5 Broadband Development by Empowering Local Commu-
6 nities Act of 2019”.

7 **SEC. 2. PRESERVATION OF RIGHTS OF STATE AND LOCAL**
8 **GOVERNMENTS.**

9 Actions by the Federal Communications Commission
10 in “Accelerating Wireless and Wireline Broadband De-

1 ployment by Removing Barriers to Infrastructure Invest-
2 ment” (83 Fed. Reg. 51867) and the Federal Communica-
3 tions Commission’s Declaratory Ruling in “Third Report
4 and Order and Declaratory Ruling” (FCC 18–111) shall
5 have no force or effect.

○

Dear Senator Feinstein:

Thank you for sponsoring S. 2012, the “Restoring Local Control Over Infrastructure Act of 2019.”

A City’s ability to control and permit access to public rights-of-way is a critical component of our mission. In Los Altos, we have taken numerous steps to protect our rights’-of-way from unnecessary clutter, including a robust sign code and a requirement that all new development underground utilities. We believe these measures, and our control of our infrastructure, is what makes Los Altos a special place to live and work and is highly valued by our citizens.

The actions taken by the Federal Communications Commission challenges our opportunity to regulate access to, and the aesthetics of, our public right-of-way. We have heard loud and clear from some of our citizens that the FCC’s actions are contrary to their vision for the future of Los Altos.

We hope that you will continue to work toward the rapid enactment of S. 2012. Please let us know if you have any questions or how we can support you in your efforts.

Sincerely,

Lynette Lee Eng

Mayor

C: Members, Los Altos City Council

Chris Jordan, City Manager

Dear Congresswoman Eshoo:

Thank you for sponsoring H.R. 530, the “Accelerating Broadband Development by Empowering Local Communities Act of 2019.”

A City’s ability to control and permit access to public rights-of-way is a critical component of our mission. In Los Altos, we have taken numerous steps to protect our rights’-of-way from unnecessary clutter, including a robust sign code and a requirement that all new development underground utilities. We believe these measures, and our control of our infrastructure, is what makes Los Altos a special place to live and work and is highly valued by our citizens.

The actions taken by the Federal Communications Commission challenges our opportunity to regulate access to, and the aesthetics of, our public right-of-way. We have heard loud and clear from some of our citizens that the FCC’s actions are contrary to their vision for the future of Los Altos.

We hope that you will continue to work toward the rapid enactment of H.R. 530. Please let us know if you have any questions or how we can support you in your efforts.

Sincerely,

Lynette Lee Eng

Mayor

C: Members, Los Altos City Council

Chris Jordan, City Manager