

RESOLUTION R2018-107

A Resolution Supporting the Minnesota League of Cities Letter in Opposition to Proposed U.S. Senate Bill S.3157 and Urging Minnesota Senators and House Representatives to Oppose S.3157

WHEREAS, the City's local management authority over utility use of City regulated public rights-of-way ("ROW") is an important part of the City's ability to ensure public safety, orderly community development, and the non-discriminatory use of ROW; and

WHEREAS, the City works with all utilities serving customers in the City, including wireless services providers, within recently enacted state law and local ordinances allowing placement of small cell facilities in the ROW subject to public health, safety and general welfare protections; and

WHEREAS, S.3157 is entitled "STREAMLINE Small Cell Deployment Act" ("S.3157") that, if enacted, would preempt and limit important local government ROW authority over "small personal wireless service facilities" in ROW currently regulated under Minnesota state law; and

WHEREAS, S.3157 was introduced in June 2018 and follows two FCC Dockets that similarly propose Rules that would preempt and limit local government control over the small cell facilities in ROW; *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers To Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84 ("FCC Dockets"); and

WHEREAS, the City rejects the premise of S.3157 that local government management of the safety of ROW and orderly community development under recently enacted Minnesota law is an obstacle to small cell deployment. Rather, the City and other Minnesota local government units provide a vital public protection while required by law to allow expeditious placement of small cell wireless facilities in the ROW at a reasonable cost where not contrary to health, safety and general welfare; and

WHEREAS, the broad changes proposed in S.3157 and the proposed Rules in the FCC Dockets would result in ambiguity in Minnesota ROW management rights and diminish the local oversight necessary to ensure that small cell installations do not create a risk to the public or damage other critical infrastructure, or impose "one size-fits-all" requirements that hamper local government ROW utility facilities management.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA THAT: The City opposes both S.3157 and any Rules promulgated in the FCC Dockets that diminish current ROW management rights of the City and other local government units necessary to protect their residents or other users of the ROW; and

BE IT FURTHER RESOLVED THAT, in adopting this resolution this City Council supports the League of Minnesota Cities, The National League of Cities, the American Public Works Association, and other public bodies that have contacted U.S. Senators and Representatives or filed comments in the FCC Dockets consistent with this Resolution.

Adopted in _____ session of the City Council of the City of Shakopee, Minnesota, held this 18th day of September 2018.

Mayor of the City of Shakopee

ATTEST:

City Clerk