



Legislative UPDATE

July 6, 2018
Number 20

Feds Move in on Small Cells

After months of delays and numerous meetings with local and industry stakeholders, Senators John Thune (R- South Dakota) and Brian Schatz (D – Hawaii) introduced the [*Streamlining The Rapid Evolution And Modernization of Leading-edge Infrastructure Necessary to Enhance \(STREAMLINE\) Small Cell Deployment Act \(S. 3157\)*](#).

The bill, much like [pending FCC rules](#), would federalize municipal right-of-way authority and compensation. While the FCC's statutory authority is debatable and would certainly be challenged in court, congressional action could be permanently damaging.

The bill would make major changes to federal requirements for small cell siting by imposing new requirements, such as:

- Providing that fees must be “competitively neutral, technology neutral, and nondiscriminatory; publicly disclosed; and based on *actual and direct costs*.” This provision would eliminate market-based rents for small cell nodes. (Editor’s note: The fee currently in place under Texas law limits a rental fee to \$250 per node annually. A [lawsuit](#) has been filed by numerous Texas cities to challenge the state cap.)
- Limiting local authority over “small personal wireless facilities (e.g. small cell nodes)” to “objective and reasonable...structural engineering standards based on generally applicable codes; safety requirements; or aesthetic or concealment requirements.”
- Imposing federal “shot clock” requirements for approval of small cell nodes, including a deemed granted provision for applications not acted upon by the local government in the stated period.

As a reminder, Senator Cruz (R – Texas) is a member of the Senate Commerce Committee which will consider the bill. City officials who have a relationship may wish to reach out to Senator Cruz in opposition to federal mandates on local property.

(The edited article above is reprinted with permission of the National League of Cities.)

Get Involved: Volunteer to Develop the TML Legislative Program

Texas Municipal League advocacy efforts are based on a “legislative program” that is developed by member city officials. The program is essential to the legitimacy of the League’s advocacy efforts. To develop the program, city officials provide input in primarily two ways.

First, a member city, TML region, or TML affiliate may submit a resolution for consideration at the League’s annual conference. At the 2018 annual conference, the “resolutions committee” will consider submissions and make recommendations for the entire membership to consider at the annual business meeting. The resolutions committee is appointed by the TML president in advance. The business meeting consists of one representative from each city, designated by that city prior to the meeting.

For 2019, the resolutions committee will be eliminated in favor of a more streamlined process wherein resolutions go directly to the entire membership at the annual business meeting. The implementation of this change will require a transition year in 2018. In 2018, the Resolutions Committee and Business Meetings will take place in one room, as consecutive meetings, at the TML annual conference on October 11, 2018.

Second, member city officials can participate in a policy committee process during each interim. In 2018, the committee process will be slightly different than in years past. In lieu of multiple committees, recommendations will come from the participants in the League’s “Municipal Policy Summit.” The Summit members have already been appointed by TML President Holly Gray-Moore, Mayor Pro Tem of the City of Roanoke. Those members will meet on August 23-24 in Austin to participate in an intensive, two-day workshop during which League staff will brief the participants on the myriad legislative issues faced by cities. After each subject-matter briefing, the participants will make recommendations on the issues. Those recommendations will be in the form of a resolution that is submitted for consideration to the TML Resolutions Committee.

President Gray-Moore will soon appoint members to the Resolutions Committee. No particular expertise is needed. Volunteers need only have a willingness to learn and the ability to come to Fort Worth on October 11, 2018, to participate. The deadline to apply is **July 13, 2018**.

If you have questions or would like to volunteer for service, please email JJ Rocha, TML Legislative Liaison, at jj@tml.org. Please include your full contact information. Due to space limitations and other considerations, not all those who apply will be appointed, but will certainly be considered for future volunteer opportunities.

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.