



# Boyle Heights

Neighborhood Council

## **Boyle Heights Neighborhood Council**

2130 E. First Street, Suite 110  
Los Angeles, CA 90033

Letter to Governance and Finance Committee

April 23, 2021

The Honorable Mike McGuire  
Chair, Governance and Finance Committee  
State Capitol Building, Room 408  
Sacramento, CA 95814

Cc: Committee Consultant Mr. Anton Favorini-Csorba  
Governance and Finance Committee  
State Capitol Building, Room 408  
Sacramento, CA 95814

Senator Maria Elena Durazo

Assembly Member Miguel Santiago

Councilmember Kevin De Leon

RE: SB-556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures  
– **OPPOSED** (As Amended 03/16/21)

Dear Chair McGuire and Members of the Senate Standing Committee on Governance and Finance:

Thank you for your careful consideration of who is best to make decisions about where Wireless Antennas are located. We The Boyle Heights Neighborhood Council strongly opposes SB-556 and asks for your help to whatever extent possible, to also help oppose AB-537 and SB-378.

This bill effectively eliminates local control over the placement, construction and modification of Wireless Telecommunications Facilities (WTFs), particularly in the public rights-of-way, the management of which has been — and should remain — a municipal affair, not a statewide concern, and should not be decided by private Telecom Carriers.

California is entering another drought year. The California Department of Water Resources has marked 2021 as the third-driest year on record for our State, potentially setting us up for a 5th and even more severe deadly wildfire season.

California has suffered devastating fire losses due to telecom equipment. SB-556 aims to construct small cells even closer to homes and businesses, yet no wireless carrier or their agents can get liability insurance for claims of injury, death, or illness. Over a decade, Lloyd's of London and other insurers have instituted Pollution Exclusions for RF-EMR/EMF exposures. **Wireless telecommunication facilities are uninsurable.** Fires have cost California Billions of dollars and individuals billions as well (not to mention displacement and suffering and death).

Wireless Telecom Facilities (aka antennas) are known fire-hazards, and decisions about where they should be placed are especially important. **State PUC law leaves local governments responsible for damage caused by attachments to their poles, not Telecom carriers, and not the state government.** Localities are the only authorities who should be charged with making these safety decisions. In addition, local elected representatives know the residents and neighborhoods in their cities/counties. They know the neighborhood aesthetics and safety concerns.

**SB 556 is unnecessary** because countless local governments have already negotiated contracts in good faith with wireless companies to allow use of locally owned poles in the public streets on what the industry views as reasonable terms, and local governments already comply with the 2018 FCC Small Cell Order. Many cities in California have created special zones protecting parks, daycare centers, homes, schools, and fire stations, with setbacks for cell antenna towers in the public rights-of-ways. Each local government surveys its own neighborhood characteristics, its risks, and unique local conditions including: its own local fire codes, its unique topography, its existing fiber optic infrastructure and its needed *wired* fiber optic infrastructure, and the integrity of structures in HIGH winds.

Wireless Telecommunications Facilities (WTFs) of any size or any "G" (generation) are known fire hazards. Lack of FCC attention to local concerns, complaints and damages (including traffic and fire) has allowed Telecom companies to self-regulate. SB 556 will further remove local control, and safety will be jeopardized. Rewiring poles for additional, sometimes multiple carriers' antennas requires electrical engineering skills, and telecom carriers are not required to follow electrical code.

This is very expensive and the local government will have to bear initial expenses (until cost can be established for billing back the carriers). Imagine being stopped at a stoplight trying to evacuate from a fire and having the wind blow down the antennas above you. Many Californians have a diagnosis of post fire trauma — the very smell of smoke increases anxiety. Now they (or I) will have to worry about antennas as well.

5G equipment will block **disability access** in our Public Rights of Way and in affected public buildings, which is morally and legally unacceptable and will prompt lawsuits. SB-556 violates the ADA, American Disability Act.

In addition to these profoundly serious objections, it is documented that the 5G antenna roll out

will **lower property values and harm nearby businesses**, (US Association of Realtors research). This will lower the local government tax base.

Alternatively, installation of wired broadband connections will be **FASTER**, with better video and audio, more private, more secure, more reliable, safer than wireless. It will not be affected in weather, wind and firestorms.

SB-649 did not become law, though many busy legislators voted for it without knowing that it was written by industry lobbyists with ALEC (the corporate-beholden American Legislative Exchange Council.) SB 556 is sponsored by wireless carriers. In the words of Jerry Brown's veto letter for SB-556's predecessor, (2017's SB-649)"I believe that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill."

Lastly, increased density of antennas (more and closer) will not improve reception — that requires wiring into the premises and USB cables to your devices. 5G (fifth generation technology) is for total surveillance via the "internet of things" — it is **NOT** for improving video or voice communication. 5G reception is interfered with by hills, trees, and weather.

California needs to take effective steps to close the Digital Divide. However, SB-556, is not technology-neutral, it only serves to increase the profits of the Wireless carriers without closing the Digital Divide.

Regulating the internet as a public utility: **Wired FTTP Broadband** installed with deep underground conduit (prevents fires). Local government can distribute internet resources and can generate revenue.

Once again, the best solution for California is wired broadband, Fiber Optic to and through the premises (**FTTP**) and municipal utilities.

Please vote down this bad bills and, instead, **encourage the option of municipal wired broadband**. We agree with the League of California Cities in asserting that the state must not further limit local control.

Thank you for serving your constituents and working to protect us, to oppose SB-556, AB-537 and SB-378.

Respectfully,

Boyle Heights Neighborhood Council