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SB 649 Small Cell Bill Vetoed by California Governor

Victory for Local Governments



Citing the value of local governments managing their own rights of way, Gov. Jerry Brown vetoed SB 649, the controversial small cell bill, on Sunday.

The bill, which barely passed through the state Legislature, would have curtailed local regulatory authority over small cells and required local governments to allow the use of public property such as street light poles for placement of small cells at regulated rates.

The bill was widely opposed by cities and counties and their associations. Best Best & Krieger LLP formed a lobbying coalition, Protect Our Local Streets, to give local governments a better chance in the legislative process, and this coalition lobbied vigorously against SB 649 in a coordinated effort with the League of California Cities, the Rural County Representatives of California, Urban Counties of California, American Planning Association's California Chapter, the California State Association of Counties, various other associations and individual cities and counties.

"There is something of real value in having a process that results in extending this innovative technology rapidly and efficiently," Brown wrote in his veto message. "Nevertheless, 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."

Despite the veto, California local governments should not become complacent. Further federal action to promote small cell deployments is already being contemplated.

Even without new preemptory rules, the wireless industry is expected to continue to roll out small cell technologies. Communities would be well-advised to take this opportunity to consider updating ordinances and procedures to address such requests.

People



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