



April 8, 2021

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Local Government Committee
State Capitol, Room 5144
Sacramento, CA 95814

**RE: Assembly Bill 537 (Quirk) – OPPOSE UNLESS AMENDED
As Amended March 30, 2021**

Dear Assembly Member Aguiar-Curry:

On behalf of the Rural County Representatives of California (RCRC), the Urban Counties of California (UCC), the California State Association of Counties (CSAC), and the American Planning Association, California Chapter (APA), we are writing to express our position of "Oppose Unless Amended" to Assembly Bill 537, which is intended to expedite wireless telecommunications facility permitting.

The importance of ubiquitous access to reliable high-speed broadband has become glaringly apparent during the last year, as many Californian families struggle to receive healthcare, educate children, and maintain employment – all from home. According to a recent Public Policy Institute of California study, 16 percent of the state's population does not have in-home high-speed internet connectivity. Rural and lower-income areas are most apt to be without robust and reliable broadband service, many lacking the infrastructure for even the federally defined minimal speeds of 25 Mbps download and 3 Mbps upload. It is clear that equitable access to high-speed internet is paramount.

Counties and cities throughout the state have made access to high-speed internet a priority, some funding projects with general fund monies and creating streamlined permitting processes. Local governments recognize that, in order to reach the goal of equal access to robust internet services, all parties must be part of the solution. However, AB 537 attempts to expedite the siting of wireless facilities by establishing additional limitations on local government permit application review with confusing processing timeframes and unclear impacts. Specifically, the proposed language in Government Code section 65964.1(a), providing that when an application is deemed approved, "all necessary permits shall be deemed issued," is ambiguous and problematic. The intended effects of this language, and what it adds to the fact of deemed approval, are uncertain. This language could be interpreted to make it more difficult for local agencies to address

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construction methods that do not comply with electrical, building, and fire codes, by requiring cumbersome suspension or revocation processes for these "permits" before potentially dangerous work is halted. If that is this bill's intent, that is clearly objectionable, and if not, this ambiguity is harmful.

Additionally, Government Code Section 65964.1(b) requires that a city or county approve "any submission required by this subdivision without delay." This could certainly be interpreted as requiring all applications for wireless facility siting to be approved, regardless of failing to meet any health and safety standards discussed above.

We appreciate the author's willingness to work with local governments to find a solution that will help bridge the digital divide and provide reliable internet connectivity to California's unserved and underserved communities. We look forward to continuing the conversation and finding a mutually agreeable compromise.

If you should have any questions or concerns regarding our position, please contact Tracy Rhine (RCRC) at trhine@rcrcnet.org, Christopher Lee (CSAC) at clee@counties.org, Kiana Valentine (UCC) at kiana@politicogroup.com, or Lauren De Valencia y Sanchez (APA) at lauren@stefangeorge.com.

Sincerely,



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RCRC



KIANA VALENTINE
UCC



CHRISTOPHER LEE
CSAC



LAUREN DE VALENCIA Y SANCHEZ
APA

cc: The Honorable Bill Quirk, Member of the State Assembly
Members of the Assembly Local Government Committee
Angela Mapp, Chief Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus