



**STATE LEGISLATION COMMITTEE**

**Wednesday, July 14, 2021**

**11:00am – 1:00pm**

**Join online at**

**<https://ccsf.webex.com/ccsf/onstage/g.php?MTID=e140c4d727bb11e16976ed0f0451c5fc0>**

**Meeting ID: 146 775 5675 / Meeting Password: 9XyJ4HpZEM3**

**Join by Phone at 415-655-0001**

*(Public Comment Instructions available on page 5)*

**MEMBERS:**

Mayor's Office (Chair) -- Edward McCaffrey  
Supervisor Dean Preston -- Jen Snyder  
Supervisor Connie Chan -- Ian Fregosi  
Assessor's Office -- Holly Lung  
City Attorney's Office -- Mary Jane Winslow  
Controller's Office -- Dan Kaplan  
Treasurer's Office -- Eric Manke

**AGENDA**

**I. ROLL CALL**

**II. APPROVAL OF MEETING MINUTES (Action Item).** Discussion and possible action to approve the minutes from the meeting of June 9, 2021.

**III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item).** The City's state lobbyist will present to the Committee an update on State legislative matters.

**IV. PROPOSED LEGISLATION (Discussion and Action).** Discussion and possible action item: the Committee with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

## **New Business**

### **Treasurer & Tax Collector**

Presenter: Anne Stuhldreher

1. AB 1452 (Ting) Pilot program: increased fee for low-income jurors: criminal trials.

*Recommended Position: Support*

This bill would authorize the Superior Court of San Francisco to implement the "Be The Jury" pilot program that would provide increased compensation to low-income San Franciscans who would like to serve on juries, but cannot because they would face a financial hardship.

### **Department on the Status of Women**

Presenter: Elizabeth Newman

2. SB 357 (Wiener) Crimes: loitering for the purpose of engaging in a prostitution offense.

*Recommended Position: Support*

This bill would repeal provisions of the law that criminalize loitering for the intent to engage in sex work. This bill does not decriminalize soliciting or engaging in sex work.

### **Department of Technology**

Presenter: Brian Roberts

3. SB 556 (Dodd) Street light poles, traffic signal poles: small wireless facilities attachments.

*Recommended Position: Oppose*

This bill SB 556 would require local governments to (1) make streetlight and traffic poles available to wireless carriers for placing "small cell" facilities, (2) limit the amount local governments can charge carriers for these assets and (3) place time limits on how long local governments can take to process applications.

## **V. GENERAL PUBLIC COMMENT**

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

## **VI. ADJOURNMENT**

## **Disability Access**

Room 201 of City Hall is located at 1 Dr. Carlton B. Goodlett Place and is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible Muni lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness, as well as Muni Metro stations at Van Ness and Civic Center. For more information about Muni accessible services, call 923-6142. There is accessible parking at the Civic Center Plaza garage.

## **Know Your Rights Under the Sunshine Ordinance**

The government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Donna Hall at Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at 415-554-7724, by fax at 415-554-7854, or email the Sunshine Ordinance Taskforce Administrator at [sotf@sfgov.org](mailto:sotf@sfgov.org). Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Task Force, or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at [www.sfgov.org/sunshine.htm](http://www.sfgov.org/sunshine.htm).

## **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sec. 2.100 –2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone 415-581-2300, fax 415-581-2317, Internet website: [www.sfgov.org/ethics](http://www.sfgov.org/ethics).

## **Cell Phones and Pagers**

The ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Public Comment**

Public Comment will be taken on each item on the agenda before or during consideration of that item.

### **Document Review**

Documents that may have been provided to members of the State Legislation Committee in connection with the items on the agenda include proposed state legislation, consultant reports, correspondence and reports from City departments, and public correspondence. These may be inspected by contacting Edward McCaffrey, Manager, State and Federal Affairs, Mayor's Office at: (415) 554-6588.

### **Health Considerations**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

## July 14, 2021 State Legislation Committee

### View the meeting:

<https://ccsf.webex.com/ccsf/onstage/g.php?MTID=e140c4d727bb11e16976ed0f0451c5fc0>

NOTE: Depending on your broadband/WIFI connection, there may be a 30-second to 2-minute delay when viewing the meeting live.

**PUBLIC COMMENT CALL-IN:** 415-655-0001 Access code: 146 775 5675

After entering the access code, press # twice to listen to the meeting *(There is no delay when listening to the meeting using this number.)*

### Information Regarding Providing Public Comment

- Each individual may comment 1 time per agenda item.
- Each individual may speak for up to 2 minutes; after which time the line is automatically silenced.
- To make public comment on a specific agenda item, dial in using the information above when the item is called.
- Dial \*3 to be added to the public comment queue for this item.
- When it is your time to speak, you will hear “Your line has been unmuted.”
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that you **mute your computer** so there is no echo sound when you speak.
- When the Commission Secretary states, “Next Caller,” you are encouraged to state your name clearly. As soon as you speak, your 2 minute allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.



## STATE LEGISLATION COMMITTEE

Wednesday, June 9, 2021

11:00am – 1:00pm

**Held Via Videoconference**  
**(remote public access provided via teleconference)**

### **MEMBERS:**

Mayor's Office (Chair) -- Edward McCaffrey  
Supervisor Dean Preston -- Jen Snyder  
Supervisor Connie Chan -- Ian Fregosi  
Assessor's Office -- Holly Lung  
City Attorney's Office -- Mary Jane Winslow  
Controller's Office -- Dan Kaplan  
Treasurer's Office -- Eric Manke

*Meeting commenced at 11:01am*

### **AGENDA**

#### **I. ROLL CALL**

**Present:** Edward McCaffrey, Jen Snyder, Ian Fregosi, Mary Jane Winslow, Dan Kaplan, and Eric Manke

**Absent:** Holly Lung

**II. APPROVAL OF MEETING MINUTES (Action Item).** Discussion and possible action to approve the minutes from the meeting of May 12, 2021.

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Dan Kaplan

Approved: 6-0

**III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item).**

The City's state lobbyist will present to the Committee an update on State legislative matters.

**IV. PROPOSED LEGISLATION (Discussion and Action).** Discussion and possible action item: the Committee with review and discuss state legislation

affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

## **Unfinished Business**

### **Treasurer & Tax Collector**

Presenter: Michelle Lau

**1. SB 586 (Bradford) Criminal fees.**

*Recommended Position: Support*

This bill is a criminal justice reform bill that would end the assessment and collection of 26 administrative fees charged to people in the criminal legal system. SB 586 builds on Assembly Bill 1869, The Families Over Fees Act, which abolished 23 administrative fees in the criminal system.

*Continued from the March 10, 2021 Meeting*

*Continued from the April 14, 2021 Meeting*

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Ian Fregosi

Approved: 6-0

### **Department on the Status of Women**

Presenter: Elizabeth Newman

**2. SB 331 (Leyva) Settlement and nondisparagement agreements.**

*Recommended Position: Support*

This bill would expand protections against discrimination and harassment cover-ups by prohibiting non-disclosure and non-disparagement agreements that limit workers' ability to speak out about harassment and discrimination in the workplace, whether due to race, sexual orientation, religion, age or any other characteristic.

*Continued from the April 14, 2021 Meeting*

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Eric Manke

Approved: 6-0

## **New Business**

### **San Francisco Municipal Transportation Agency & Planning Department**

Presenter: Jadie Wasilco & Sheila Nickolopoulos

3. AB 1401 (Friedman) Residential and commercial development: parking requirements.

*Recommended Position: Support*

This bill would prohibit local governments from enforcing minimum automobile parking requirements for residential, commercial, or other developments located within one-half mile walking distance of public transit.

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Ian Fregosi

Approved: 6-0

## **Department of the Environment**

Presenter: Katie Chansler

4. AB 125 (Robert Rivas) Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022.

*Recommended Position: Support*

These bills propose the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2021 (EER Bond) which would authorize \$3.302 billion in general obligation bonds.

No public comment.

Motion to Approve: Eric Manke

Seconded by: Jen Snyder

Approved: 6-0

5. AB 962 (Kamlager) California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers.

*Recommended Position: Support*

This bill defines "reusable beverage container" as a beverage container that has been used to contain a beverage, for which the applicable redemption payment has been paid, and that is returned whole and intact to a recycler or other certified entity designated by CalRecycle and capable of reuse as a beverage container.

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Mary Jane Winslow

Approved: 6-0

6. SB 45 (Portantino) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.



*Recommended Position: Support*

This bill enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which authorizes the sale of \$5.595 billion in general obligation bonds, upon approval by voters at the November 2021 statewide general election.

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Dan Kaplan

Approved: 6-0

## **V. GENERAL PUBLIC COMMENT**

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

No Public Comment.

## **VI. ADJOURNMENT**

*Meeting Concluded at 11:44am.*

Date Submitted	6/30/2021
Submitting Department	Office of the Treasurer & Tax Collector
Contact Name	Eric Manke
Contact Email	<a href="mailto:eric.manke@sfgov.org">eric.manke@sfgov.org</a>
Contact Phone	415-350-0700
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

**AB 1452**  
**Asm. Ting, District 19, Democrat**  
**Pilot program: increased fee for low-income jurors: criminal trials.**

**Recommended Position**

- SPONSOR  SUPPORT  
 SUPPORT if amended  OPPOSE  
 OTHER & Describe

**Summary**

This bill would authorize the Superior Court of San Francisco to implement the "Be The Jury" pilot program that would provide increased compensation to low-income San Franciscans who would like to serve on juries, but cannot because they would face a financial hardship. Jury duty is perhaps the most meaningful opportunity for true civic engagement that our system provides. However, due to financial constraints, many, often those from the neighborhoods most affected, are deprived of this opportunity for engagement.

The "Be The Jury" pilot program was developed in partnership between the San Francisco Public Defender, District Attorney's Office, Bar Association, and Treasurer's Financial Justice Project. Stakeholders believe this effort would help ensure that San Francisco juries are economically and racially diverse, and therefore better able to administer justice that reflects the values of diverse San Francisco communities.

**Background/Analysis**

The right to a jury of peers is at the core of our system of justice. The right to a trial by jury is the only right that appears in both the

Constitution and the Bill of Rights. A jury of peers means a jury of equals, to draw jurors from different races, genders, and socioeconomic classes. Yet criminal justice partners in San Francisco have begun to notice a troubling phenomenon: juries are whiter and wealthier, and not reflective of the economic or racial diversity of San Francisco's overall population. Many San Franciscans would like to serve on a jury, but cannot, because they cannot afford to take time off work that is required.

**Challenge**

California, like many states, requires employers to provide time off for employees who are summoned to jury duty. While time off work is guaranteed, paying employees is not. If a juror's employer does not cover their salary, jurors earn nothing on their first day of service and only \$15 per day after that. Because many low-income families cannot afford to forfeit days, weeks, or months of their salary, they file a claim of financial hardship and are excused from service. In a 2004 report presented to the Judicial Council from the Task Force on Jury System Improvements, the Commission called the rate paid to California jurors for daily service and mileage "insulting."

In San Francisco, a survey by the Administrative Office of the Courts of California found that 35 percent of jurors report that jury service imposed a financial

hardship. Consequently, jury pools tend to be composed of people who can afford to serve unpaid or whose employers will pay them while they're serving. Diverse juries are critical to the fair delivery of justice.

**Solution/Recommended Proposal**

AB 1452 would implement a pilot program where low- to moderate-income jurors are compensated \$100 per day for jury service in the San Francisco Superior Court.

Jurors would be eligible to receive the increased compensation if their household income is less than 80% Area Median Income (\$71,700 for a single person; \$102,500 for a household of four) and they meet one of the following criteria:

1. Their employer does not compensate for jury service; or
2. Their employer does not compensate for the estimated duration of jury service; or
3. They are self-employed; or
4. They are unemployed.

The "Be The Jury" pilot program would test out if providing higher compensation would create juries that are more economically and racially diverse. Through the pilot program, stakeholders will learn whether people who would have claimed a financial hardship be able to serve because of this program, whether this program impacts the economic and racial diversity of juries in a meaningful way.

**Departments Impacted & Why**

None.

**Fiscal Impact**

None. The "Be The Jury" pilot program will be funded through philanthropic funds raised by the San Francisco Treasurer's Financial Justice Project.

**Support / Opposition**

Supported by:

SF District Attorney's Office (co-sponsor)  
SF Financial Justice Project (co-sponsor)  
SF Public Defender's Office (co-sponsor)  
ACLU California Action  
California Public Defenders Association

Californians for Safety and Justice  
Ella Baker Center for Human Rights  
GLIDE  
HomeRise  
Legal Services for Prisoners with Children  
Mo'MAGIC  
Young Community Developers  
Young Women's Freedom Center

Opposed by:

None on record

Date Submitted	July 6, 2021
Submitting Department	Department on the Status of Women
Contact Name	Elizabeth Newman
Contact Email	<a href="mailto:Elizabeth.newman@sfgov.org">Elizabeth.newman@sfgov.org</a>
Contact Phone	415-252-3206
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A

## SB 357

### Sen. Wiener, District 11, Democrat

## Repeal Loitering for Intent to Engage in Sex Work

#### Recommended Position

- |   |   |
|---|---|
| <input type="checkbox"/> SPONSOR            | <input checked="" type="checkbox"/> SUPPORT |
| <input type="checkbox"/> SUPPORT if amended | <input type="checkbox"/> OPPOSE             |
| <input type="checkbox"/> OTHER & Describe   |   |

#### Summary

Senate Bill 357 would repeal provisions of the law that criminalize loitering for the intent to engage in sex work. This bill does not decriminalize soliciting or engaging in sex work. SB 357 simply eliminates an anti-loitering offense that often results in discrimination on the basis of gender, race, class, and perceived sex worker status, which particularly targets Black and Brown women and members of the LGBTQ+ community.

#### Background/Analysis

Currently, the California Penal Code makes it an offense to loiter in public places with the intent to commit a prostitution related offense and outlines examples of circumstances that law enforcement may use to determine if someone intends to engage in sex work, such as speaking with other pedestrians or being in an area where sex work has occurred before. This provision of law was enacted by Assembly member Katz in 1995 to make it easier to arrest sex workers by allowing law enforcement to arrest someone before they solicit, accept, or engage in a sex act, regardless of whether that was even the intent of the persons being targeted.

#### Challenge

As a result of the subjective nature of the language that criminalizes loitering for the intent to engage in sex work, street-based sex workers and people perceived to be sex workers experience discrimination, harassment, and arrest from law enforcement simply for existing in public. This offense permits law enforcement to stop and arrest people for discriminatory reasons, such as wearing revealing clothing while walking in an area where sex work has occurred before. Furthermore, anyone that is arrested and cited for this offense may have difficulty securing employment and safe housing due to having an arrest record relating to sex work.

Black women and members of the trans community face disproportionate enforcement of the loitering law. In Los Angeles, more than half of those charged under this section of the penal code between 2017-2019 were Black and at least two-thirds were women. Studies in Pomona and Compton also find disproportionately high arrests of Black youth and women under the loiter with intent to commit prostitution offense. Transgender people who have done street-based sex work are more than twice as likely to report physical assaults by police officers and four times as likely to report sexual assault by police than trans individuals who have not engaged in sex work. These statistics and experiences lead to significant mistrust between these communities and the police.

### Solution/Recommended Proposal

SB 357 will repeal provisions of the law that criminalize loitering for the intent to engage in sex work and is a vital step that will prioritize the health and safety of Black, Brown, women, transgender and gender nonconforming individuals. This legislation will also enable persons who have been convicted of this offense to have their records sealed and orders resentencing, when applicable. SB 357 does not decriminalize engaging or soliciting sex work, but will decriminalize loitering with the alleged intent to engage in sex work given this offense largely contributes to the discriminatory treatment and harassment of Black and Brown, transgender and gender nonconforming people that are profiled by law enforcement as sex workers and stopped for simply existing.

### Departments Impacted & Why

The San Francisco Police Department and District Attorney led the way to prioritizing the safety of sex workers through local policies developed with the Department on the Status of Women that then became state law. These policies provide immunity for sex workers from arrest for prostitution or drug use charges when reporting violent crimes committed against them or to which they were witness.

This bill would prohibit the police officers in San Francisco from arresting individuals who are or are perceived to be sex workers unless they solicit, accept, or engage in a sex act.

### Fiscal Impact

There are no anticipated costs to San Francisco or the state of California.

### Support / Opposition

#### Supported by:

- Asian Pacific Islander Legal Outreach (co-sponsor)
- ACLU of California (co-sponsor)
- Equality California (co-sponsor)
- Positive Women's Network-USA (co-sponsor)
- St. James Infirmary (co-sponsor)
- SWOP LA (co-sponsor)

- Trans Latin@ Coalition (co-sponsor)
- Adult Industry Laborers and Artists Association
- Anti-Defamation League
- APLA Health
- Bay Area Sex Worker Advocacy Network
- Best Practice Policy Project
- California Attorneys for Criminal Justice
- Californians for Safety and Justice
- California Public Defenders Association
- California United for a Responsible Budget (CURB)
- California Women's Law Center
- Center for LGBTQ Economic Advancement & Research (CLEAR)
- City of West Hollywood
- Coalition to Abolish Slavery and Trafficking (CAST)
- Community Health Project Los Angeles
- COYOTE RI
- Decriminalize Sex Work
- DAP Health
- Dignity and Power Now
- Drug Policy Alliance
- Ella Baker Center for Human Rights
- Erotic Service Providers Legal, Education and Research (ESPLER) Project
- Free Speech Coalition
- Fresno Barrios Unidos
- Green Party of California
- If/When/How: Lawyering for Reproductive Justice
- Legal Aid at Work
- Legal Services for Prisoners with Children
- Los Angeles District Attorney's Office
- Los Angeles LGBT Center
- LYRIC Center for LGBTQ Youth
- MPact Global Action for Gay Men's Health and Rights
- National Center for Lesbian Rights (NCLR)
- National Council for Jewish Women, LA
- National Harm Reduction Coalition
- National Juvenile Justice Network
- Religious Coalition for Reproductive Choice of California
- San Francisco AIDS Foundation
- San Francisco District Attorney's Office
- Scientists for Sex Worker Rights
- Sex Workers Outreach Project Behind Bars
- Sex Workers Outreach Project of the Urban Justice Center

- Sharmus Outlaw Advocacy and Rights (SOAR) Institute
- Strippers United
- Transgender, Gendervariant, Intersex Justice (TGIJ) Project
- Transitions Clinic Network
- UCSF Alliance Health Project
- US PROStitutes Collective
- United States People Living with HIV Caucus
- We the People – San Diego
- Women's Foundation California
- Young Women's Freedom Center

Opposed by (as of 5/20/2021):

- Los Angeles County Sheriff's Department

Date Submitted	7/7/2021
Submitting Department	Department of Technology
Contact Name	Brian Roberts
Contact Email	Brian.roberts@sfgov.org
Contact Phone	
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

## SB 556

### Sen. Dodd, District 3, Democrat

## Street light poles, traffic signal poles: small wireless facilities attachments

#### Recommended Position

- |  |   |
|--|---|
| <input type="checkbox"/> <b>SPONSOR</b>              | <input type="checkbox"/> <b>SUPPORT</b>           |
| <input type="checkbox"/> <b>SUPPORT if amended</b>   | <input checked="" type="checkbox"/> <b>OPPOSE</b> |
| <input type="checkbox"/> <b>OTHER &amp; Describe</b> |   |

#### Summary

SB 556 would require local governments to (1) make streetlight and traffic poles available to wireless carriers for placing “small cell” facilities, (2) limit the amount local governments can charge carriers for these assets and (3) place time limits (aka “shot clocks”) on how long local governments can take to process applications. While the bill largely mimics a Federal Communications Commission (“FCC”) decision, with regard to the shot clock it would impose greater restrictions on local governments on a permanent basis.

#### Background/Analysis

Wireless carriers have long sought to have federal and state governments adopt laws to pre-empting local government control over the use of their streetlights, traffic signals and other facilities to install and maintain small wireless facilities (“small cells”). Wireless carriers have sought to limit the prices local governments can charge, constrain the amount of time they can consider applications, curtail aesthetic considerations and otherwise streamline the process. The availability of streetlight, traffic signals and other municipal poles in the public right of way allow wireless carriers to place small

cells more frequently in order to make more efficient use of radio frequency spectrum and utilize new frequencies that have signals that cannot travel long distances.

In 2017 the legislature approved SB 649 which would have imposed restrictions on local governments similar to those proposed by SB 556. Governor Brown vetoed the bill because “the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill.”

In 2018 the FCC issued its “Small Cell Order” that (1) limited the amount that local governments could charge wireless carriers for use of their poles to \$270 per year or cost, (2) placed a time limit or “shot clock” on how long local governments had to consider applications to use poles, and (3) required the use of “objective” aesthetic criteria. Local governments, including San Francisco, challenged this order in federal court. In a decision by the Ninth Circuit Court of Appeals, local governments prevailed only on the aesthetic rules. The court affirmed the FCC’s ruling on the pricing or shot-clock issues. On June 28, 2021, the U.S. Supreme Court denied the petition for a writ of certiorari filed by local governments, which means the Court will not consider an appeal from the Ninth Circuit’s decision upholding portions of the FCC’s 2018 Small Cell Order.

## Challenge

SB 556's findings point to the importance of broadband internet to address a variety of equity concerns related to education, telehealth, and employment. Not only does the bill do nothing to advance the important goal of digital equity, it undermines the ability of local governments to address the digital divide. The bill assumes that simply reducing the cost and complexity of deployment will address these issues. The bill does not include any mechanisms for ensuring or even encouraging these goals to be achieved. It does not impose any obligations on, or provide any incentives for, wireless carriers to invest in low-income or rural areas, to provide affordable services to low-income consumers, to fund digital equity programs or provide any other public benefit. Further, recent amendments to the bill would establish a monitoring mechanism that could hide discrepancies in broadband deployment rather than reveal them. The bill would even preclude local governments from funding digital equity programs through fees charged to wireless carriers for use of their assets, an approach that San Jose has successfully employed. SB 556 would eviscerate San Jose's program and prevent other cities from following suit.

SB 556 permanently tie California to a specific poorly reasoned FCC Order from the Trump Administration. The bill would maintain this scheme even if the Small Cell Order were reversed by the current FCC or the subject of new federal legislation. When the Small Cell Order was adopted in 2018, the current Acting Chair of the FCC, who was then a Commissioner, wrote a strong dissent arguing that the Order ran "roughshod" over local authority, specifically citing the likely harm to digital equity initiatives of local governments. In addition, in 2019 Congresswoman Eshoo introduced a bill entitled Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530), which would overturn the FCC Order. While there is no certainty that either the FCC or Congress will ultimately reverse the FCC Order, it would be a mistake to bind California permanently to this flawed regime.

Beyond making the flawed FCC regime permanent, SB 556 would shorten the shot clock and require local governments to make traffic signals available to wireless carriers.

SB 556 would reduce the FCC shot clock for processing applications from 60 days to 45 days. Also, if a local agency finds a defect in an application, the local agency rather than the wireless carrier applicant has to propose a remedy. Finally, unlike federal law, SB 556 fails to include any process for tolling the shot clock if a wireless carrier submits an incomplete or otherwise deficient application.

While San Francisco and other local governments in California have generally made their street light poles and other assets available for the installation of small cells, allowing wireless facilities on traffic signal poles could produce exceptional risks. Continued operation of traffic signals is vital to pedestrian and vehicular safety. Placing wireless facilities on traffic signals would increase the risk of malfunctioning signals. For these and other reasons, SFMTA has licensed its transit support poles to wireless carriers, but not its traffic signal poles.

## Departments Impacted & Why

SF PUC – further loss of control over streetlight poles  
SF MTA – forced to make traffic signal poles available for wireless installations, further loss of control over transit poles  
DT – loss of opportunity for coordinated approach to meeting community connectivity and digital equity needs

## Fiscal Impact

The bill itself does not have any fiscal impact. Local governments have no remaining legal recourse against the FCC's Small Cell Order, and SB 556 mimics the FCC's pole pricing regime. However, by making the FCC Order permanent in California, SB 556 would limit revenue potential for the City if the Small Cell Order was reversed federally.

## Support / Opposition

Supported by:  
Bay Area Council



California Retailers Association  
Contra Costa County Office of Education  
Crown Castle  
CTIA  
East Bay Leadership Council  
Greater Sacramento Economic Council  
Inland Empire Economic Partnership  
Lake County Office of Education  
LeadingAge California  
LGBT Technology Partnership & Institute  
Long Beach Area Chamber of Commerce  
Los Angeles Area Chamber of Commerce  
Los Angeles County Business Federation  
(BizFed)  
Napa County Office of Education  
OCA - Asian Pacific American Advocates  
Orange County Business Council  
Pasadena Chamber of Commerce & Civic  
Association  
Plumas County Office of Education  
Sacramento Hispanic Chamber of  
Commerce  
Sacramento LGBT Community Center  
Santa Monica Chamber of Commerce  
sf.citi  
Silicon Valley Leadership Group  
Sonoma County Office of Education  
Southeast community Development  
Corporation  
TechLatino: Latinos in information Sciences &  
Technology Association  
The LGBT Center Long Beach  
The LGBTQ Community Center of the Desert  
The Wall Las Memorias  
T-Mobile  
Verizon  
14,000+ Individuals

Opposed by:

5G Free California  
5G Free Marin  
Alliance of Nurses for Healthy Environments  
American Public Works Association –  
California Chapter  
Bay Area Educators for Safe Technology  
California Contract Cities Association  
California Street Light Association  
Californians for Safe Technology  
Cities of Agoura Hills, Arcata, Bellflower,  
Belmont, Brea, Calabasas, Campbell,  
Carlsbad, Carmel-by-the-Sea, Chino, Chino  
Hills, Clearlake, Clovis, Colton, Corona, Costa

Mesa, Culver City, Del Mar, Downey, El  
Centro, El Segundo, Elk Grove, Encinitas,  
Fortuna, Foster City, Fountain Valley,  
Hesperia, Huntington Beach, Inglewood, La  
Cañada Flintridge, La Habra, La Palma,  
Laguna Beach, Lakewood, Lakeport,  
Lathrop, Long Beach, Los Alamitos, Los Altos,  
Madera, Maywood, Menifee, Mission Viejo,  
Monterey, Newport Beach,  
Norwalk, Novato, Oakdale, Oceanside,  
Pacifica, Palmdale, Palo Alto, Petaluma,  
Placentia, Rancho Cordova, Rancho  
Cucamonga, Rancho Palos  
Verdes, Rancho Santa Margarita, Redding,  
Ripon, Riverbank, San Buenaventura, San  
Carlos, San Diego, San Fernando, San Jose,  
San Luis Obispo, Santa Monica, Sebastopol,  
Signal Hill, Simi Valley, Solano Beach,  
South Lake Tahoe, Stockton, Sunnyvale,  
Tehachapi, Thousand Oaks, Torrance, Tracy,  
Tulare, Ukiah, Union City, Vacaville, Ventura,  
Vista, Wasco, West Hollywood, and Whittier  
Communications Workers of America, District  
9  
Community Planet Foundation  
Community Union, Inc.  
East Bay Neighborhoods for Responsible  
Technology  
Ecological Option Network  
EMF Safety Network  
Environmental Health Trust  
Eric Garcetti, Mayor of Los Angeles  
FACTS: Families Advocating for Chemical  
and Toxins Safety  
Fusion Message of Santa Barbara  
GMO Science  
Keep Baldy Wild  
Keep Cell Antennas Away  
League of California Cities  
Modesto Chamber of Commerce  
Moms Across America  
Monterey Vista Neighborhood Association  
Napa County Progressive Alliance  
Napa Neighborhood Association for Safe  
Technology  
Sacramento County Board of Supervisors  
Safe Tech 4 Santa Rosa  
Santa Barbara Body Therapy Institute  
Santa Barbara Green Sisters  
Save North Petaluma River and Wetlands  
South Bay Cities Council of Government  
Stop Smart Meters!

Sustainable TamAlmonte  
The Balanced Runner  
The Utility Reform Network  
Topanga Peace Alliance  
Towards an Internet of Living Beings  
Towns of Fairfax, Mammoth Lake, Ross, and  
Truckee  
Two Heads Tutoring  
Wire California  
Wireless Radiation Alert Network  
Wireless Radiation Education and Defense