

ASSEMBLY BILL

No. 57

Introduced by Assembly Member Quirk

December 2, 2014

An act relating to communications.

LEGISLATIVE COUNSEL'S DIGEST

AB 57, as introduced, Quirk. Broadband communications infrastructure.

The existing federal Telecommunications Act of 1996 preempts any state or local statute or regulation that may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service, but does not prohibit a state from imposing on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. The prohibition also contains a “safe harbor” that does not affect the authority of a state or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis.

Under existing law, telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within the state, and may erect related poles, posts, piers, abutments, and other necessary fixtures of their lines, but may not incommode the public use of the road or highway or interrupt the navigation of the waters. Existing law declares the intent of the Legislature that consistent with this

authorization, municipalities have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed, but that for the control to be reasonable it must, at a minimum, be applied to all entities in an equivalent manner.

This bill would state the intent of the Legislature to enact legislation to promote the deployment of communications infrastructure by removing barriers to investment.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California consumers and businesses have adopted new,
4 Internet-based technologies and mobile connections at an
5 unprecedented rate. Internet-based products and devices, including
6 smartphones and tablets, are providing consumers everywhere
7 with new choices to connect, to communicate, and to access
8 information and entertainment.

9 (b) The deployment of faster, more robust, and advanced
10 wireless and wireline broadband infrastructure is essential to
11 ensuring there is sufficient capacity and coverage to support the
12 increasing reliance of California residents on broadband services.

13 (c) State and local review of broadband infrastructure
14 deployment serves important interests, but at the same time,
15 California must take steps to ensure that requirements do not hinder
16 investment. State and local permitting processes should be designed
17 to eliminate unnecessary barriers and spur deployment of
18 infrastructure. This includes streamlining permitting requirements
19 to reduce delay and cost, and the creation of uniform processes.

20 (d) New and upgraded infrastructure delivers a vast array of
21 consumer and community benefits, including important
22 improvements to public safety, education, and healthcare. The
23 power of mobile communications is a critical tool for first
24 responders in emergency situations. According to the Federal
25 Communications Commission, nearly 70 percent of 911 calls are
26 made from mobile telephones, and that percentage is growing.

27 (e) As we continue the transition to a knowledge-based,
28 technology-driven economy, California must invest in students

1 and provide them with the proper tools and technologies to bolster
2 academic achievement, starting with expanding access to
3 high-speed broadband Internet and next-generation Internet
4 Protocol-based networks.

5 (f) Facilitating broadband deployment additionally plays a key
6 role in advancing telemedicine and mobile health applications,
7 which can help Californians remotely monitor their health while
8 reducing medical costs.

9 (g) Wireless broadband is also key to economic development
10 and a driver for new business and jobs. Businesses increasingly
11 depend on strong wireless broadband service to carry their
12 employees through the work day. An estimated 94 percent of small
13 businesses surveyed use smartphones to conduct business and
14 mobile technologies are saving the country's small businesses
15 more than sixty-five billion dollars (\$65,000,000,000) a year.

16 (h) Broadband infrastructure deployment creates jobs. A 2013
17 study conducted by the research firm Information Age Economics
18 projects that wireless infrastructure investment will generate as
19 much as one trillion two-hundred billion dollars
20 (\$1,200,000,000,000) in economic growth while creating over 1.2
21 million new jobs, nationally, over the next five years.

22 (i) It is the intent of the Legislature to enact legislation to
23 promote the deployment of communications infrastructure by
24 removing barriers to investment. Removing investment barriers is
25 critical to meeting the surging demand by California residents for
26 advanced wireless and wireline broadband technologies and
27 services, supporting and enhancing critical public safety needs,
28 and bridging the digital divide by increasing access for more
29 Californians to improved education, health care, and economic
30 development opportunities.