

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION OF THE CITY OF SANDY SPRINGS CITY COUNCIL REGARDING
SENATE BILL 426, THE BROADBAND INFRASTRUCTURE LEADS TO
DEVELOPMENT ACT

WHEREAS, Sandy Springs seeks to properly maintain the right-of-ways of the City for the benefit, public safety and welfare of the citizens of the City; and

WHEREAS, unsightly utility wires and accessories have a negative impact on the aesthetics of a community, impacting property values and the economic vitality of a community; and

WHEREAS, the City has invested millions of dollars in an effort to reduce visual clutter with more than \$8M spent to bury power utilities for the City Springs project alone; and

WHEREAS, providing private companies unfettered access to our right-of-ways without the ability for local regulation undermines the City's efforts in reducing visual clutter, presents a taking of the property of the citizens of Sandy Springs; and

WHEREAS, placing utilities underground not only reduces the visual impact of utility lines and poles, it improves safety, reduces utility disruptions, eliminates fire hazards, accidents and safety risks from outages due to downed lines; and

WHEREAS, removing a City's ability to regulate placement of use of right-of-way and pricing for that use, also handicaps a municipality, allowing private companies to capitalize without culpability to the taxpayer; and

WHEREAS, there is currently pending before the General Assembly, Senate Bill 426, the Broadband Infrastructure Leads to Development Act; and

WHEREAS, this proposed legislation seeks to allow the installation of utility poles and small wireless facilities within City-owned right of way as a matter of right; and

WHEREAS, this proposed legislation preempts the ability of local governments to adopt ordinances to address this subject matter at the local level; and

WHEREAS, this legislation seeks to exempt power utility companies from the collocation requirements; and

WHEREAS, the Georgia Department of Transportation is exempted from this legislation; and

WHEREAS, this legislation destroys the City's local control of application review, processing, and permit issuance standards on local governments; and

WHEREAS, the legislation allows local governments to charge only \$20 per pole, per year, for the placement of infrastructure poles from for-profit wireless providers in taxpayer funded right of way; and

WHEREAS, this legislation allows utility poles in the right of way to be as high as 50 feet from grade or 10 feet taller than any existing pole that is within 500 feet; and

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WHEREAS, this legislation will result in an explosion of aesthetically objectionable utility poles in Sandy Springs owned right of way; and

WHEREAS, this legislation – while touted as a Statewide solution to efficiently rolling out broadband infrastructure – will not accomplish that objective by exempting GDOT and the power companies from its requirements; and

WHEREAS, this legislation is too industry friendly at the expense of the citizens and taxpayers that will be adversely affected by the significant increase in congestion, clutter, and aesthetically distasteful poles that will inevitably be installed in City right of way; and

WHEREAS, the bill removes all local control and authority over rights-of-way access; and

WHEREAS, the bill does not allow the city to set reasonable size limitations for the antennas and poles, removing the city's ability to control aesthetics; and

WHEREAS, Article IX of the Georgia Constitution specifically grants to local governments control and authority of land use and zoning; this bill attempts to give to non-utility, for-profit companies the use of City property and placement of cellular equipment without local government control; and

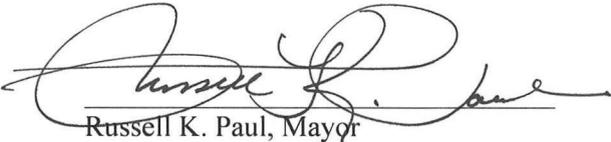
WHEREAS, the bill does not require the wireless provider to provide deployment plans and does not ensure fair compensation from private companies placing equipment in the public rights-of-way and on public property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, and it is hereby resolved by the authority of same as follows:

1. The City Council does hereby voice its formal objection to this legislation; and
2. This legislation does not strike an appropriate balance between the need for deployment of wireless broadband infrastructure and the need for local governments to manage its own right of way; and
3. That this legislation unduly benefits the private for-profit wireless industry at the expense of the aesthetic and public safety considerations of the citizens of the City of Sandy Springs; and
4. By exempting the power utility companies from participation in this legislation, it has guaranteed an explosion of new poles in local government right of way – while the largest owner of utility poles on or near the right of way are unencumbered, thereby undermining the stated purpose of this legislation; and
5. That this legislation needs to be restructured from the ground up with greater deference given to local governments; and
6. That a copy of this Resolution be provided to the City of Sandy Springs local delegation as promptly as possible.

RESOLVED this the 6th day of March, 2018.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

