

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 57**

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**Introduced by Assembly Member Quirk**

December 2, 2014

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An act to amend Section 8886 of the Government Code, relating to communications.

LEGISLATIVE COUNSEL'S DIGEST

AB 57, as amended, 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~~ service. However, this provision does not prohibit a state from ~~imposing~~ 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 consumers, nor does it prevent a state or local government to manage~~ from managing the public rights-of-way or to ~~require~~ requiring 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~~ *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.

*Existing law establishes the California Broadband Council in state government for the purpose of promoting broadband deployment in unserved and underserved areas of the state and broadband adoption throughout the state, imposes specified duties on the council relating to that purpose, and specifies the membership of the council.*

This bill would state the intent of the Legislature to enact legislation to promote the deployment of communications infrastructure by removing barriers to investment. *The bill would add the President of the Board of Directors of the League of California Cities and the President of the Executive Committee of the California State Association of Counties, or their respective designees, to the membership of the council.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
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

1 to eliminate unnecessary barriers and spur deployment of  
2 infrastructure. This includes streamlining permitting requirements  
3 to reduce delay and cost, and the creation of uniform processes.

4 (d) New and upgraded infrastructure delivers a vast array of  
5 consumer and community benefits, including important  
6 improvements to public safety, education, and healthcare. The  
7 power of mobile communications is a critical tool for first  
8 responders in emergency situations. According to the Federal  
9 Communications Commission, nearly 70 percent of 911 calls are  
10 made from mobile telephones, and that percentage is growing.

11 (e) As we continue the transition to a knowledge-based,  
12 technology-driven economy, California must invest in students  
13 and provide them with the proper tools and technologies to bolster  
14 academic achievement, starting with expanding access to  
15 high-speed broadband Internet and next-generation Internet  
16 Protocol-based networks.

17 (f) Facilitating broadband deployment additionally plays a key  
18 role in advancing telemedicine and mobile health applications,  
19 which can help Californians remotely monitor their health while  
20 reducing medical costs.

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

28 (h) Broadband infrastructure deployment creates jobs. A 2013  
29 study conducted by the research firm Information Age Economics  
30 projects that wireless infrastructure investment will generate as  
31 much as one trillion two-hundred billion dollars  
32 (\$1,200,000,000,000) in economic growth while creating over 1.2  
33 million new jobs, nationally, over the next five years.

34 (i) It is the intent of the Legislature to enact legislation to  
35 promote the deployment of communications infrastructure by  
36 removing barriers to investment. Removing investment barriers is  
37 critical to meeting the surging demand by California residents for  
38 advanced wireless and wireline broadband technologies and  
39 services, supporting and enhancing critical public safety needs,  
40 and bridging the digital divide by increasing access for more

1 Californians to improved education, health care, and economic  
2 development opportunities.

3 *SEC. 2. Section 8886 of the Government Code is amended to*  
4 *read:*

5 8886. (a) The membership of the California Broadband Council  
6 shall include all of the following:

7 (1) The Director of Technology, or his or her designee.

8 (2) The President of the Public Utilities Commission, or his or  
9 her designee.

10 (3) The Director of Emergency Services, or his or her designee.

11 (4) The Superintendent of Public Instruction, or his or her  
12 designee.

13 (5) The Director of General Services, or his or her designee.

14 (6) The Secretary of Transportation, or his or her designee.

15 (7) The President of the California Emerging Technology Fund,  
16 or his or her designee.

17 (8) A member of the Senate, appointed by the Senate Committee  
18 on Rules.

19 (9) A member of the Assembly, appointed by the Speaker of  
20 the Assembly.

21 (10) *The President of the Board of Directors of the League of*  
22 *California Cities, or his or her designee.*

23 (11) *The President of the Executive Committee of the California*  
24 *State Association of Counties, or his or her designee.*

25 (b) Members of the Legislature appointed to the council shall  
26 participate in the activities of the council to the extent that their  
27 participation is not incompatible with their positions as Members  
28 of the Legislature.