

House Joint Memorial 12

Sponsored by Representative BARNHART; Representatives LIVELY, VEGA PEDERSON, Senator EDWARDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress and Federal Communications Commission to support and protect right-of-way management and compensation authority of local governments.

JOINT MEMORIAL

To the Senate and the House of Representatives of the United States of America, in Congress assembled, and the Federal Communications Commission:

We, your memorialists, the Seventy-seventh Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas funds from fees charged for the use of local public rights of way are particularly critical to the support of law enforcement and fire services in cities of this state; and

Whereas the ability of local governments to recover fair and reasonable compensation for the use of public rights of way is now at risk due to the Notice of Inquiry proceeding undertaken by the Federal Communications Commission, entitled "Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting"; and

Whereas the proceeding has been undertaken due to initiatives of the telecommunications industry and could result in the commission's interference with the local right-of-way management and compensation authority granted by Oregon law and municipal ordinance and protected under the federal Telecommunications Act of 1996 (P.L. 104-104); and

Whereas the cities of Eugene and Springfield joined with the National League of Cities, the National Association of Counties, the United States Conference of Mayors, the International Municipal Lawyers Association, the National Association of Telecommunications Officers and Advisors, the Government Finance Officers Association, the American Public Works Association and the International City/County Management Association to submit formal comments in the proceeding; and

Whereas the comments presented technical analysis, an econometric study and documentation of local experiences to confirm that local right-of-way management practices are neither delaying broadband deployment nor discouraging increased penetration of broadband; and

Whereas comments submitted by telecommunications industry representatives do not begin to challenge the analysis submitted by the coalition of national municipal associations; and

Whereas loss of right-of-way use fees paid to local governments could amount to millions of dollars annually; and

Whereas instead of interfering with valid local right-of-way management practices, the Federal Communications Commission should partner with local governments and the telecommunications

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 industry to develop targeted, voluntary programs to increase broadband deployment; now, therefore,

2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 (1) The Congress of the United States and the Federal Communications Commission are re-
4 spectfully requested to support and protect the right-of-way management and compensation authority
5 of local governments.

6 (2) A copy of this memorial shall be sent to the Chairperson of the Federal Communications
7 Commission and to each member of the Oregon Congressional Delegation.

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