



Eugene Intergovernmental Relations

February 3, 2021

House Committee on Economic Recovery and Prosperity
Oregon State Capitol
900 Court Se. NE
Salem, OR 97301

RE: Opposition to HB 2316

Dear Chair Lively and members of the committee,

The City of Eugene opposes HB 2316, which pre-empts the existing authority for the City to manage the Right of Way (ROW), with no discernable positive impact to the public, only to benefit the telecom industry. As you have heard in other testimony from League of Oregon Cities and fellow cities, we are longstanding managers of the public ROW and are all too familiar with the impact of use and in some cases abuse of the ROW.

In addition to the items outlined in the LOC testimony, we are concerned that the timeline of 72 hours for “responding” to a telecom permit seems terribly fast, not to mention the fairness concern. HB 2316 reduces equity by favoring one user over another-embedded in statute. Additionally, the consequence of missing the 72-hour deadline is unclear. If a municipality misses this shot clock, would the industry approach this as a ‘deemed granted’ remedy, as they have tried to hammer through via the FCC? Cities across the country, as managers of the ROW, are strongly opposed to these plays at reducing local authority to benefit the telecom companies increasing profitability.

Subsection 3(a) of Section 1 of the bill is too vague, it requires notice to: “to every telecommunications provider with a history of installing underground utility infrastructure in the right of way or that has a potential to install underground utility infrastructure in the right of way in the future.” We ask what constitutes a “history”? And it is unreasonable to expect the public entities to know which providers have “a potential to install... in the future.”

This bill creates unnecessary coordination issues, timelines, and an unfunded mandate. As cities are struggling to manage our programs and public assets during a global pandemic with severe reductions in staffing and resource, this bill creates programs to ‘solve’ non-existent ‘problems’ with no direct benefit to consumers, specifically low-income customers.

The City of Eugene respectfully requests that you Oppose HB 2316.

Sincerely,
submitted electronically
Ethan Nelson, Intergovernmental Relations Manager