



**CITY OF SANTA CLARITA  
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

*Ken Stripling*

DATE: April 27, 2021

SUBJECT: STATE LEGISLATION: SENATE BILL 378

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

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RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to oppose Senate Bill 378 (Gonzalez) and transmit position statements to Senator Gonzalez, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, League of California Cities, and other stakeholder organizations.

BACKGROUND

Authored by Senator Lena A. Gonzalez (D-33-Long Beach), Senate Bill 378 preempts local authority of the public right-of-way by requiring local governments to approve aerial installations, open trenching or boring, or micro-trenching for the purposes of fiber installation by utility companies and broadband corporations, regardless of local regulations.

The City of Santa Clarita (City) currently regulates the siting and installation of telecommunication and cable equipment within the public right-of-way and in commercial and industrial zones. In establishing a statewide framework for telecommunication and cable equipment deployment, this bill imposes significant limitations on the ability for local governments to review equipment installations in the public right-of-way with respect to unique local circumstances.

Specifically, the City's Unified Development Code regulates the siting proximity to residential uses and zones, underground of appurtenant equipment, specified aesthetic criteria, and fees. Ultimately, the City's regulations intend to preserve the health, safety, and overall quality of life of the community, while ensuring a feasible review and processing of equipment installations in the public right-of-way. If this bill passes, the City will lose its current discretionary review and regulatory authority of the installation of telecommunication and cable equipment, including underground fiber and aerial equipment.

Additionally, Senate Bill 378 may cause increased wear and tear on public infrastructure, including roads and pathways, as the legislation could potentially cause a significant increase in micro-trenching within the public right-of-way with significant limitations on local discretion. Issues related to micro-trenching projects by utility companies has included sub-standard coverings after micro-trenching projects, which has resulted in exposed trenches within a short period after the utility project or leaving the surface in worse condition than before the micro-trenching project.

The recommendation to oppose Senate Bill 378 is consistent with the City of Santa Clarita 2021 Executive and Legislative Platform. Specifically, Component 20 under the “State” section advises that the City Council, “Oppose legislation that limits or eliminates local discretionary review of the installation of small cell wireless equipment or any wireless technology facilities on public infrastructure or in the public right of way.”

Senate Bill 378 unanimously passed the Senate Governance and Finance Committee (5-0) on April 8, 2021, and was referred to the Senate Energy, Utilities, and Communications Committee.

Notable supporters include the Bay Area Council, California Apartment Association, California Building Industry Association, Crown Castle and Its Affiliates, Verizon Communications, Inc. and Its Affiliates, and Wireless Infrastructure Association.

Notable opponents include the California Municipal Utilities Association, Norther California Power Agency, and Southern California Public Power Authority.

The City Council Legislative Committee met on April 8, 2021, and recommends that the City Council adopt an “oppose” position on Senate Bill 378.

#### ALTERNATIVE ACTION

1. Adopt a “support” position on Senate Bill 378
2. Adopt a “neutral” position on Senate Bill 378
3. Take no action on Senate Bill 378
4. Refer Senate Bill 378 back to the Legislative Committee
5. Other direction, as provided by the City Council

#### FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2020-21 budget.

#### ATTACHMENTS

Senate Bill 378 - Bill Text