

ENERGY & ENVIRONMENT

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MOTION PLANNING & LAND USE MANAGEMENT

The City of Los Angeles for many years now has had problems regulating new telecommunication units installed throughout the City. These large objects can be installed on private property, public right of way and the most unrestricted has been utility poles.

The outstanding problems that remain to be unsolved are the regulatory options the City may have on restricting location and design of new wireless fixtures. Public right of way installments are regulated through our Above Ground Facilities Ordinance (AGF), yet our authority has been restrained due to the Telecommunications Act of 1996.

Sprint vs. San Diego and Palos Verdes vs. Sprint have brought forth new case law that may give municipalities more authority over the placement of new wireless units in their districts. These cases will allow us to amend our AGF Ordinance to better restrict new locations and design. This is being evaluated through CF 08-2440 and 09-2645.

In the meantime there has been very little discussion on how to restrict and enforce regulatory schemes on new technology being installed on our utility poles. Any units placed on utility poles have gone unregulated due in part to our participation in the Joint Pole Agreement.

The Joint Pole Authority is a coalition of 10 southland cities, governmental agencies and telecommunications companies charged with negotiating 30-year leases for new cell phone antennas. Decisions on location and the appearance of new cell towers are approved by the Joint Pole Authority without any required public hearing.

As we move forward in amending our AGF Ordinance we must simultaneously work to implement policy which will allow us to have more rule over the use of our utility poles. Moving forward without this piece would inherently pose a bigger problem in the near future, encouraging cell unit installations on top of utility poles without City regulation.

I THEREFORE MOVE for Council to request the City Attorney, along with Department of Water and Power, to report on the City's participation in Southern California's Joint Pole Agreement and the process on how to opt out of such an agreement, as well as the ramifications such a decision may pose along with the benefits for continuing participation.

I FURTHER MOVE for Council to instruct the Chief Legislative Analyst to report on the current policies and regulations adopted by surrounding cities that pertain to public notification, placement of new telecommunication units on private property, the public right of way, and more importantly on utility poles.

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