

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JOHNS CREEK
IN OPPOSITION TO SENATE BILL 426 (BROADBAND INFRASTRUCTURE LEADS
TO DEVELOPMENT ACT), AND SIMILAR LEGISLATION**

WHEREAS, there is currently pending before the General Assembly, Senate Bill 426 (Broadband Infrastructure Leads to Development Act); and,

WHEREAS, this proposed legislation will allow the installation of utility poles and small wireless facilities within City owned right-of-way as a matter of right; and,

WHEREAS, this proposed legislation preempts the ability of local governments to adopt ordinances in conflict with this legislation or to fashion different legislation to address this subject matter at the local level; and,

WHEREAS, this legislation does not strike an appropriate balance between the need for deployment of wireless broadband infrastructure and the need for local governments to manage its own right-of-way; and

WHEREAS, this legislation exempts power utility companies from the collocation requirements; and,

WHEREAS, the exemption of the power utility companies from participation in this legislation provides an incentive for the placement of new poles in local government right-of-way; and

WHEREAS, the Georgia Department of Transportation is exempted from this legislation; and,

WHEREAS, the legislation imposes exacting and unrealistic application review, processing, and permit issuance standards on local governments; and,

WHEREAS, the legislation prohibits local governments from charging in excess of \$20 per pole, per year, for the placement of new wireless infrastructure poles in local government right-of-way; and,

WHEREAS, this legislation allows utility poles in the right-of-way to be as high as 50 feet from grade or 10 feet taller than any existing pole within 500 feet; and,

WHEREAS, this legislation may result in an explosion of aesthetically objectionable utility poles in Johns Creek-owned right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JOHNS CREEK THAT

- 1) The City Council does hereby voice its formal objection to this legislation;

- 2) This legislation unduly benefits the wireless industry at the expense of the residents of Johns Creek's ability to manage its rights of way at the local governance level;
- 3) This legislation needs to be restructured with greater deference given to local governments and local control of rights of way; and

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of March, 2018.

Michael E. Bodker, Mayor

(City Seal)

Joan C. Jones, City Clerk