

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**11/21/2017**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Veto SB 1451	Enza Petrarca Village Attorney

**SYNOPSIS**

A resolution has been prepared urging the Governor to veto Senate Bill 1451 (Small Wireless Facilities Deployment Act).

**STRATEGIC PLAN ALIGNMENT**

The goals for 2017-2019 include *Steward of Financial, Environmental and Neighborhood Sustainability*.

**FISCAL IMPACT**

If Senate Bill 1451 is signed into law by the Governor, it will limit the amount of fees the Village can impose on a telecommunications service provider that wishes to utilize the Village's rights-of-way.

**RECOMMENDATION**

Action at the discretion of the Village Council.

**BACKGROUND**

Senate Bill (SB) 1451 was initially introduced by the urging of telecommunications service providers to limit municipalities' ability to regulate the location of small cell wireless facilities and the fees a municipality could charge for the use of its rights-of-way (ROWs). After its initial introduction the service providers and a group representing municipalities began negotiations to lessen the strictness of the bill on municipalities. Although there was some movement on the part of the service providers, the bill still severely limits municipalities' ability to regulate their own ROWs.

For instance, SB 1451 permits the following: a private business entity to use public ROWs at a rate far below market value, distorting the private market for small wireless facilities; wireless providers, and third parties who act as agents or contractors for wireless providers, to locate telecommunications equipment with an antenna as large as six (6) cubic feet in size, and associated equipment up to twenty-five (25) cubic feet in size, on existing or new utility poles subject to minimal zoning regulations by the municipality; and it creates an automatic approval timeline, which is one-sided and detrimental to the public when a permit is incomplete or inadequate.

Last week, both the Illinois House of Representatives and the Illinois Senate voted to pass SB 1451. After that vote, Senate President John Cullerton filed a motion to reconsider the vote, putting a procedural hold on

the bill. President Cullerton is reportedly working on a trailer bill to address last minute concerns raised by the cable industry.

**ATTACHMENTS**

Resolution

**RESOLUTION NO. \_\_\_\_****A RESOLUTION URGING THE GOVERNOR TO VETO  
SENATE BILL 1451 (SMALL WIRELESS FACILITIES DEPLOYMENT ACT)**

WHEREAS, the Village of Downers Grove supports the goal of ensuring reliable wireless services in our communities and the advancement of technology in the telecommunications industry; and

WHEREAS, Senate Bill ("SB") 1451 establishes the Small Wireless Facilities Deployment Act and severely limits municipal authority to regulate, site, or charge permit fees for wireless facilities; and

WHEREAS, SB 1451 permits a private business entity to use public right-of-way at a rate far below market value, distorting the private market for small wireless facilities; and

WHEREAS, SB 1451 permits wireless providers, and third parties who act as agents or contractors for wireless providers, to locate telecommunications equipment with an antenna as large as six (6) cubic feet in size, and associated equipment up to twenty-five (25) cubic feet in size, on existing or new utility poles subject to minimal zoning regulations by the municipality; and

WHEREAS, SB 1451 creates an automatic approval timeline, which is one-sided and detrimental to the public, presuming that municipalities are negligent—and providers not—when a permit is incomplete or inadequate; and

WHEREAS, state legislators amended SB 1451 to exempt the City of Chicago in an effort to pass the legislation; and

WHEREAS, many municipalities have already enacted ordinances, or are in the process of updating their codes to address small wireless facilities, or are developing right-of-way use agreements with the industry, indicating that municipalities are making a significant effort to develop reasonable standards for the deployment of wireless facilities; and

WHEREAS, Illinois municipalities are diverse and each one must be given the opportunity to develop reasonable regulations that will protect their specific needs;

NOW, THEREFORE, BE IT RESOLVED that the Village of Downers Grove opposes SB 1451 as passed by the Illinois General Assembly and urges the Governor to veto the legislation.

BE IT FURTHER RESOLVED that the Village of Downers Grove is committed to developing reasonable regulations for the deployment of wireless technology and is eager to work with stakeholders to develop regulations that ensure reliable wireless services while also preserving the rights of the municipality, property owners, and citizens.

That this Resolution shall be in full force and effect from and after its passage as provided by law.

---

Mayor

Passed:

Attest: \_\_\_\_\_

Village Clerk