



# OPPOSE AB-537

## Don't let California State, the FCC or Telecom remove local control over Wireless Expansion!

**Wireless Facilities must stay under Municipal Control! Don't let the State take charge and let FCC mandates rush Small Cell Deployment... [OPPOSE AB-537!](#)**

AB-537, "Communications: Wireless Telecommunications and Broadband Facilities" creates a state mandate, overriding local control while aligning with FCC requirements about Small Cell and wireless facility approval time periods or "Shot Clocks".

*"Pursuant to existing federal law, the FCC has adopted decisions and rules establishing reasonable time periods within which local government is required to act on a collocation or siting application for certain wireless communication facilities." (AB-537)*

Existing law already requires certain time periods for action to be taken on wireless facility applications by local governments. However, up until now, any decisions on **modifications** of an existing tower involving new equipment or additional transformers or replacement of equipment (upgrades, collocations or new combinations) were exempt from this time restraint. AB-537 removes these restrictions, **paving the way for faster and more extensive upgrades.**

**Perhaps most disturbing,** is section 1(d) which states: *The Legislature finds and declares that a wireless telecommunications facility has a significant economic impact in California and is not a **municipal affair** as that term is used in Section 5 of Article XI of the California Constitution, but is a matter of statewide concern.*

The section that Article XI refers to states: "The city governed thereunder **may make and enforce all ordinances and regulations in respect to municipal affairs**, subject only to restrictions and limitations provided in their several charters and in respect to other matters, they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith."

**This is a critical piece of this bill.** If the state of California no longer recognizes wireless infrastructure as a "municipal affair" subject to restrictions and limitations (and the municipality cannot make and enforce ordinances and regulations governing these affairs), **imagine how much power they are removing from local governments and putting in the hands of the state and the FCC!**

To read more about the timetable rules, go to: Subpart U- of Part 1 of Subchapter A of Chapter I of Title 47 of the Code of Federal Regulations. [LINK](#)

### [AB-537](#) REMOVES LOCAL CONTROL

Contact your CA Assembly Rep [HERE](#).

**Important: Deadline to submit comments for Assembly Committee Hearing: Thursday, April 8<sup>th</sup> at noon. [Link Here.](#)**

The FCC is a "captured" agency, with appointed commissioners that have ties to the Telecom industry. The FCC declarative rulings have been paving the way for wireless infrastructure, allowing Telecom companies to build out their empires and prevent local cities and towns from establishing **MUNICIPAL INTERNET UTILITY SERVICES** with fiber optic, which is the only REAL way to end the digital divide. Fiber optic (to and through the premises) is faster, easier to upgrade, safer, and is more reliable in wind, weather and with multiple users. It can also generate substantial income for local municipalities.

This bill states that there are at least 1,000 wireless communication facilities pending right now and are being held up. Telecom is putting their full weight against local governments to issue permits wherever they deem "appropriate." (See CA SB-556 for Telecom's latest attempts to control all street light poles, traffic signal poles and local public utility poles.)

#### **Talking Points:**

- **Keep wireless infrastructure under local control! Allow city and county municipalities to control upgrades and modifications.**
- **Request support for Municipal Internet Utility Services. Fiber to and through the premises is the only REAL way to end the digital divide.**

AB 537 specifically does not apply to fire department facilities. Why? Because the CA Firefighters opposed SB -649 in 2017 on the basis of brain changes when antennas were placed atop firehouses! **If it's not good for firefighters, what about the rest of us?** (Read more below:)

#### **FIREMEN Functional MRI Studies (Heuser, 2017)**



- Abnormal fMRI Brain Studies were found after firemen had been exposed to firehouse antenna radiation and had EHS
- Gunnar Heuser MD at the UCLA Brain Research Institute studied firemen who developed serious cognitive problems on the job
- **Diagnosis: Toxic Encephalopathy**

Heuser, G., Heuser, SA. Functional brain MRI in patients complaining of electrohypersensitivity after long term exposure to electromagnetic fields. Reviews on Environmental Health. 2017; 32(3): 291-299 (July 5, 2017)