

Senator Colbeck offered the following resolution:

Senate Resolution No. 190.

A resolution to oppose efforts taking place in Washington, D.C., to preempt state and local property rights and authority by allowing the federal government to directly regulate the placement of 5G wireless infrastructure.

Whereas, Upgrading American wireless networks is a complex process requiring new technology, more commonly known as Fifth Generation technology, or 5G. Evolving microwave technology, such as 5G, uses different frequency and wavelengths than today's standard technology. The deployment of 5G will require providers to deploy millions of new devices directly on utility poles and even neighborhood lamp poles. It is estimated that one 5G small cell antenna will be needed to cover every 10 houses, changing the nature and character of our neighborhoods; and

Whereas, Accommodating 5G devices on poles is much more complex than accommodating traditional wireline attachments, with unique safety and welfare considerations. Fifth Generation devices are often placed above the electric line and may create line worker safety hazards. Public utility poles have unique loading, clearance, and interference considerations that must be accounted for to ensure communities have electric reliability with the addition of 5G devices; and

Whereas, Local governments primarily regulate pole attachments and provide necessary oversight of permits and applications to ensure protection of public property, safety, and welfare. This system of regulation has served the public's interests well and ensures a proper balance between costs and benefits to our communities; and

Whereas, The federal government is in the midst of taking actions that would severely restrict traditional state and local control. The Federal Communications Commission (FCC) has approved regulations for 5G wireless infrastructure that would preempt existing local regulation. The U.S. Congress is also considering S. 3157 that may impose restrictions on local government's ability to regulate pole attachments; and

Whereas, Local regulations are designed to meet local needs. A top-down "one-size-fits-all" approach to pole attachment regulation does not address local constituent concerns. Michigan elected decision-makers are in the best position to determine what health, safety, and welfare regulations best serve their constituents. In Michigan, the state constitution puts the state legislature as being squarely responsible for the health and safety of its citizens. State and local officials can also hold open meetings to get valuable input to determine the best way to govern; and

Whereas, This ill-advised preemption by the federal government compromises local authority which has traditionally been celebrated in American policy and also puts the general public unacceptably at risk; now, therefore, be it

Resolved by the Senate, That we urge the Congress of the United States to not support the preemption of local pole attachment regulation or pass S. 3157; and be it further

Resolved, That we urge the Federal Communications Commission to not further approve or implement pre-emptive regulations for 5G wireless infrastructure; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the chairman and commissioners of the Federal Communications Commission.