

## RESOLUTION #R-78-17

### RESOLUTION DECLARING OPPOSITION TO ASSEMBLY BILL 348, AS WRITTEN, RELATING TO EXPANDED USE OF HIGHWAY RIGHTS-OF-WAY BY WIRELESS PROVIDERS AND RECOMMENDING CHANGES THAT MAINTAIN A REASONABLE LEVEL OF LOCAL CONTROL

**WHEREAS**, historically, only entities considered “utilities”, like Wisconsin Public Service, had the ability to demand that they put poles and wiring in the County Road Right Of Way (ROW); and

**WHEREAS**, typically, cellular companies have placed towers on private land and leased the land. Leasing tower space on someone else’s tower is often about \$2000-\$2,400/month. Big Cellular towers can cost up to \$400,000; and

**WHEREAS**, Assembly Bill 348 expands the use of the ROW to any wireless provider (cellular, Wi-Fi, etc.) (hereinafter “Providers”). It also restricts the amount that municipalities can charge for use of the ROW. It MAY allow Providers to put overhead wiring in areas that municipalities have already spent money paying for cabling to be buried underground; and

**WHEREAS**, the bill specifically only allows municipalities to alter the location poles by no more than 50 feet and restricts the time in which a municipality can take to evaluate a request. It requires the applicant to build within 365 days but doesn’t appear to have any penalties if they do not build within 365 days. Once Providers apply, the municipality must hold the ROW open for them and municipalities only have 60 days from the date of a cost estimate to complete “make ready work” in order facilitate Providers’ access to government owned poles; and

**WHEREAS**, on November 2, 2017, the Marathon County Infrastructure Committee met to discuss the County’s position regarding Assembly Bill 348 and the anticipated Senate version. The Committee determined that the County has several significant safety, road maintenance and aesthetic concerns; and

**WHEREAS**, the Committee voted to oppose the bill, as written, and to recommend the following changes that would maintain a reasonable level of local control by allowing municipalities the ability to:

- Charge an initial fee that actually covers the true costs to manage the program, have plans reviewed by engineers, and monitor construction up to and completely through the repair of all surfaces damaged during construction (repairing concrete, asphalt and landscaping).
- Move the poles at least 400 feet from the proposed location (not 50 feet).
- Require Providers to build within 180 days (not 365 days).
- Permit the municipality to complete “make ready” work 180 days from date of cost estimate.
- Charge an annual fee that would be enough to deal with the abandonment of equipment and services by bankrupt Providers.

- Determine that the closest the device can be to the edge of the road or the back of the curb is 3 feet.
- Specify that the location cannot have any parked car or building within the fall line of the pole (in case that a car crashes into it, the pole will not fall on a person, car or building); and

**WHEREAS**, on November 7, the Marathon County Executive Committee met and voted to support the position of the Infrastructure Committee and forward this resolution to the County Board for action.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors for the County of Marathon hereby:

1. Opposes Assembly Bill 348 and the anticipated parallel Senate Bill, as currently written, and recommends the changes outlined above that would maintain a reasonable level of local control.
2. Directs the County Clerk to send certified copies of this Resolution to all state legislators who serve constituents in Marathon County.

Submitted this 10 day of NOV., 2017.

INFRASTRUCTURE COMMITTEE

*[Handwritten signatures of Infrastructure Committee members]*

EXECUTIVE COMMITTEE

*[Handwritten signatures of Executive Committee members]*

Fiscal Impact: None.

