



ADDITIONAL LEGISLATIVE BRIEFS FOR CONSIDERATION

2010 LEGISLATIVE PLATFORM

COUNTY EXECUTIVE OFFICE

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Local Control of Speed Limits

SUMMARY OF THE ISSUE

The California Vehicle Code requires that non-statutory speed limits on roadways be established based on the findings of an Engineering and Traffic Survey (ETS) which shall include consideration of the prevailing (85th-percentile) speed, collision history and conditions not readily apparent to the driver. In addition to these factors, per California Assembly Bill 2767 (AB2767), local authorities may also consider residential density, pedestrian safety and bicycle safety. California law prohibits the use of radar speed enforcement along such roadways where the speed limits have not been set in accordance with the findings of an ETS within the last seven to ten years, or where significant changes in the roadway or traffic conditions have occurred. While this approach enables consistency throughout the state, it may not recognize the particular nuisances of a community and the appropriateness of that speed limit for the community. Therefore, there should be more local consideration given to speed limits and the process that is utilized by the State to increase speed limits.

PUBLIC BENEFIT/IMPACT

Increasing the speed limit on local roads from 30 mph to 35 mph, for example, can cause unsafe conditions for communities, especially when areas consist of children, pedestrians, and bicyclists. Therefore, maximizing local control will ensure safe and effective speed limits.

COST TO THE GOVERNMENT

This function is largely regulatory; however, the County would assume costs related to the installation of speed limit signs and legends.

REQUESTED ACTION AND STRATEGY

The County should work in concert with CSAC and the League of California Cities to further research and maximize local government opportunities to impact speeds and further refine strategy following such discussions.

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Telecommunications Regulations

SUMMARY OF THE ISSUE

Section 332(c)(7) of the Federal Telecommunications Act of 1996 prevents local governments, including the County of Santa Barbara, from opposing the placement and regulation of personal wireless service facilities on the basis of the environmental effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions. The California Public Utilities Code also limits the authority of local governments to regulate wireless facilities in public rights of way.

There is ongoing debate within the scientific community regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio-frequency emissions are understood. Questions remain regarding how well the existing regulations established by the FCC protect more vulnerable populations such as school-aged children, and how well they protect against the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities. Currently, the ability of local governments to include a consideration of the health and environmental effects of these facilities when deciding whether or not to approve the construction or modification of a cellular communications facility is limited.

On November 18, 2009, the Cellular Telecommunications Industry of America (CTIA) petitioned the FCC to make certain declaratory rulings related to the local zoning authority of state and local governments, including requesting the FCC establish a review time of 45 and 75 days for wireless tower siting applications; deem applications granted if a government entity does not adhere to these stipulated timeframes; prohibit state and local governments from considering the presence of service by other carriers in evaluating an additional carrier's application and preempt any state or local zoning ordinances that require variances for wireless tower siting applications. As a result, the FCC ruled in favor of the CTIA, thus upholding limitations of local government control.

PUBLIC BENEFIT/IMPACT

Health advocates have worried for decades that exposure to frequencies emanating from telecommunications sources might be harmful. There are increasing health and environmental effects resulting from the location of certain cell phone towers and antennas, especially in regards to the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities. Citizens would be better served by allowing local government greater flexibility to regulate the placement of cellular facilities near areas such as residences, schools, daycares, or parks.

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COST TO THE GOVERNMENT

This is largely a regulatory function to allow local governments' greater discretion to decide how, when, and where cellular facilities should be sited.

REQUESTED ACTION AND STRATEGY

The County requests that its delegation seek and support federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996 that infringe upon the authority of local governments to regulate the placement, construction, and modification of telecommunications towers and other personal wireless service facilities on the basis of the health and environmental effects of these facilities. The County opposes sections of the Act that preempt local control and prevent local governments from considering health effects. Finally, the County urges the FCC to work in cooperation with the FDA and other relevant federal agencies to revisit and update studies on potential health concerns arising from wireless emissions in light of the national proliferation of wireless use.

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