



TRANSPORTATION, COMMUNICATIONS, AND PUBLIC WORKS POLICY COMMITTEE
Friday, January 15, 2021
9:30 am – 12:30 pm

Register for this meeting:

https://zoom.us/meeting/register/tJYpfuytpjgiHNAbWpHXnlaZRSAY2KuYizCy

Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

- I. Welcome and Introductions
Speakers: Chair: Christian Horvath, Council Member, Redondo Beach
Vice-Chair: Veronica Vargas, Mayor Pro Tempore, Tracy
II. Public Comment
III. General Briefing (Handout)
IV. Overview of Parliamentary Procedure and Roberts Rules (Attachment A)
V. Committee Orientation (Attachment B)
VI. Existing Policy and Guiding Principles (Attachment C)
VII. Cal Cities 2021 Strategic Priorities (Attachment D) Informational
Speaker: Melanie Perron, Deputy Executive Director, Advocacy and Public Affairs, League of California Cities
VIII. Budget Update Informational
Speaker: Melanie Perron, Deputy Executive Director, Advocacy and Public Affairs, League of California Cities
IX. Broadband Update (Attachment E) Informational
Speaker: Caroline Cirrincione, Legislative Policy Analyst, League of California Cities
X. Legislative Wrap-up and Outlook Informational
Speaker: Caroline Cirrincione, Legislative Policy Analyst, League of California Cities
XI. Adoption of 2021 Work Program Action
XII. Adjourn

Next Virtual Meeting: Friday, April 16, 2021, 9:30 am – 12:30 pm

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or
2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.



## Parliamentary Procedure Basics Relating to Cal Cities Policy Committees

*(adapted from Robert's Rules of Order Newly Revised<sup>1</sup>)*

*Note: This document is designed to provide practical examples of common procedural matters encountered by Cal Cities policy committees. It strives to provide guidance to foster productive and efficient meetings; it is not meant to be an exhaustive or comprehensive discussion of Robert's Rules. As always, it is the role and discretion of the chair to provide helpful guidance to individuals that may digress from the appropriate form and substance related to the conduct of meetings and the presentation of motions and other procedural matters set forth below.*

### I. COMMON MOTIONS

#### 1. Main Motions

*Purpose:* To introduce items to the committee for their consideration.

*Example:* "I move the staff recommendation to support AB 123."

#### 2. Motion to Amend

*Purpose:* Retains the main motion under discussion, but changes it in some way.

*Example:* "I move to amend the (presented main) motion to support AB 123 if amended."

#### "Friendly" Amendments

*Purpose:* To offer an amendment to the main motion that is still supportive of the main motion.

*Example:* If there is currently a motion to support AB 123 on the floor and a committee member makes a "friendly" amendment to support AB 123 and also request that staff report back after contacting the sponsor for clarification on specific language.

*Note:* This is commonly mishandled procedurally. Often the individual that seeks to offer the "friendly" amendment will inquire if the maker of the original motion will "accept" the amendment, and if so the chair will treat the motion as amended. This is not the proper way to handle such an amendment. It is not the discretion of the mover of the original motion (or the chair) to accept or decline the amendment, rather it must be adopted by the committee.

However, if it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is "any objection" to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it "friendly" and regardless of whether the maker of the original motion endorses its adoption.

#### 3. Substitute Motion

*Purpose:* Removes the motion under discussion and replaces it with a new motion.

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<sup>1</sup> Additional information relating to Robert's Rules of Order is available at: [www.robertsrules.com](http://www.robertsrules.com).

*Example: When there is a main motion on the floor to support a bill, a substitute motion would be, "I move a substitute motion that the committee oppose AB 123."*

### **Addressing Multiple Motions**

The following examples provide guidance relating to how multiple motions are handled, and the impact failed substitute motions have on original (main motions) and any proposed amendments. The last motion presented should be considered first.

*Note: Substitute motions commonly occur during policy committee meetings, yet Robert's Rules does not make a distinction between motions to amend and substitute motions. However, motions to amend must be considered prior to a main motion. Because the use of "substitute" motions is fairly widespread, the label as it is reflected in practice is used in the examples below. Rosenberg's Rules of Order<sup>2</sup> do reference substitute motions and their impact is also reflected below.*

#### **Example 1**

*Committee Member 1: "I move that we support AB 123."*

*Committee Member 2: "I move that we support AB 123, if amended."*

*Committee Member 3: "I move a substitute motion that we oppose AB 123."*

#### **Characterizing the Motions:**

In the above example:

Committee Member 1 has made a (main) motion.

Committee Member 2 has made an *amendment* to Committee Member 1's motion.

Committee Member 3 has made a *substitute* motion to Committee Member 1's motion.

#### **Order for Consideration and the Possible Outcomes**

Committee Member 3's motion is considered first. If Committee Member 3's motion *fails*, Committee Member 2's motion will be considered next. If Committee Member 2's motion *fails*, Committee Member 1's motion will be considered. If Committee Member 2's motion *passes*, there is no need to consider Committee Member 1's motion.

If Committee Member 3's motion *passes*, there is no need to consider Committee Member 1's motions because Committee Member 3's motion replaces Committee Member 1's original motion. There is also no need to consider Committee Member 2's motion since it is an amendment to Committee Member 1's motion that has been replaced by Committee Member 3's substitute motion.

#### **Example 2**

*Committee Member 1: "I move that we support AB 123."*

*Committee Member 2: "I move a substitute motion that we oppose AB 123."*

*Committee Member 3: "I move that we oppose AB 123 unless amended."*

#### **Characterizing the Motions**

In the above example:

Committee Member 1 has made a (main) motion.

Committee Member 2 has made a substitute motion to Committee Member 1's motion

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<sup>2</sup> Additional information relating to Rosenberg's Rules of Order is available at:  
[http://www.cacities.org/resource\\_files/22486.ParliamentaryRevised.pdf](http://www.cacities.org/resource_files/22486.ParliamentaryRevised.pdf)

Committee Member 3 has made an amendment to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

### **Reviewing the Possible Outcomes**

Committee Member 3's motion should be considered first. If the motion *fails*, Committee Member 2's motion is considered.

If Committee Member 2's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 2's motion substitutes for it.

If Committee Member 3's motion *fails*, Committee Member 2's motion is considered. If Committee Member 2's motion *fails*, the substitute motion for Committee Member 1's motion fails, and Committee Member 1's motion is considered.

If Committee Member 3's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 3's motion substitutes for it.

### **Example 3**

*Committee Member 1: "I move that we support AB 123."*

*Committee Member 2: "I move a substitute motion that we oppose AB 123."*

*Committee Member 3: "I move a substitute to the substitute motion that we take no position on AB 123."*

### **Characterizing the Motions**

In the above example:

Committee Member 1 has made a (main) motion.

Committee Member 2 has made a substitute motion to Committee Member 1's motion

Committee Member 3 has attempted to make a substitute to Committee Member 2's substitute motion (sometimes referred to as a substitute to a substitute motion).

### **Reviewing the Possible Outcomes**

While procedurally permissible, in an effort to avoid confusion Committee Member 3's motion should *not* be entertained by the chair until Committee Member 1 and Committee Member 2's motions have been discussed and voted upon.

Committee Member 2's motion should be considered first. If the motion *fails* Committee Member 1's motion is considered. If Committee Member 1's motion *fails*, then Committee Member 3's may make the motion to "take no position on AB 123."

If Committee Member 2's motion *passes*, it is not necessary to consider Committee Member 1's motion because Committee Member 2's motion substitutes for it.

## **4. Motion to Withdraw**

*Purpose:* To withdraw an item from discussion.

*Making the Motion to Reconsider:* Only the individual that made the initial motion can make a motion to withdraw an item from discussion. The individual may interrupt a speaker (after being recognized by the chair) to withdraw the motion under discussion at any time.

*Note:* This type of motion typically occurs following some debate by the committee that may provide additional information that influences the mover to reconsider

continued debate on the original motion presented. Another member may subsequently make the same motion after it has been properly withdrawn.

*Example: “Madame Chair, I move to withdraw my motion to support AB 123.”*

#### 5. **Motion to Reconsider**

*Purpose:* To revisit discussion of an issue.

*Making the Motion to Reconsider:* A motion to reconsider must be made by an individual that previously voted in the majority of the original motion. A motion to reconsider made by an individual that previously voted in the minority must be characterized as out of order.

*Timing:* A motion to reconsider must be made at the same meeting where the original motion was discussed, or the next meeting of the body. Motions for reconsideration following the next meeting are out of order.

*Example: “I move to reconsider the committee’s position to support AB 123.”*

#### 6. **Motion to Table**

*Purpose:* This motion is often used in the attempt to "kill" a motion by setting it aside. The option is always present, however, to "take from the table," for reconsideration by the committee.

*Note:* This type of motion should be reserved to temporarily set an item aside if agreed upon by a majority of the committee to take up an item of immediate urgency. However, in practice it is sometimes used as an option to end debate and prevent a vote, and not typically to take up an item of immediate urgency. This is technically improper procedure (or out of order) under Robert's Rules.

*Example: “I move that the committee table the motion to support AB 123.”*

#### 7. **Call for the Question**

*Purpose:* To refocus the committee on the agenda in the event there is sentiment that the discussion has drifted. The individual seeking to end debate must first be recognized by the Chair, make the motion and the motion must receive a second. The motion must be adopted by a 2/3 vote or unanimous consent.

*Example: “I move the previous question.”*

*Note:* The above procedure is consistent with Roberts Rules, however, in practice when an individual calls for the question a vote is not usually taken. The motion simply serves as an indicator to the chair that the debate may have drifted from the agenda, and the chair should remind the committee to return to the agenda. If there is a sense that the current discussion is productive the chair may elect to ask for a vote relating to the motion to call for the question, or the chair may propose continued discussion for some short period to allow individuals that wish to speak the opportunity.

## 8. **Motion to Appeal**

*Purpose:* To appeal a ruling made by the chair. A committee member may move to appeal a ruling by the Chair, but it must be seconded and receive a majority vote to be reversed.

*Example:* "I move to appeal the Chair's ruling that the committee approved support of AB 123."

## 9. **Adding an Item to the Agenda for Consideration**

*Purpose:* To have the committee discuss an item that is not on the prepared agenda before them. Because the Cal Cities is committed to complying with the legal requirements and spirit of the Brown Act additional agenda items may be considered only if they fall within any of the below exceptions:

- An item may be added to the agenda by circulation to the committee members and posting on the Cal Cities website at least 72 hours prior to the meeting.
- An item may be placed on the agenda at the meeting if the majority decides that it is an "emergency situation." An emergency situation includes work stoppage, crippling disaster, or any other activity that impairs public health safety or both.
- Two-thirds of the committee members present (or all of the members if less than two-thirds are present) must determine that there is a need for immediate action, and the need to take action arose subsequent to the circulation of the agenda.

If an item does not fall within one of these exceptions it may not be discussed and acted upon, but may be added to a subsequent agenda.

*Note:* This procedure is typically used when there is a supplemental agenda that is distributed at the meeting that was not mailed to the committee prior to the meeting.

## **II. OTHER ITEMS**

### 1. **Point of Privilege**

*Purpose:* To draw attention to an item that interferes with the comfort of the meeting.

*Example:*

*Committee Member:* "Point of privilege."

*Chair:* "State your point."

*Committee Member:* "Madame Chair, may we inform the hotel staff that the room is uncomfortably hot and request that the air conditioning be adjusted."

### 2. **Point of Order**

*Purpose:* To draw attention to inappropriate conduct at the meeting.

*Example:*

*Committee Member:* "Point of order."

*Chair:* "State your point."

*Committee Member:* "Madame Chair, the motion was approved without opportunity for debate."

### 3. **Public Comment**

In the spirit of the Brown Act an opportunity for public comment is included on all agendas. The chair should exercise discretion in determining the appropriateness and extent of public comment during committee meetings setting reasonable limits as needed.

## **III. HOW TO PRESENT A MOTION**

1. Obtain the floor by raising your hand and wait to be recognized by the chair.
2. Make your motion.
  - a. Speak clearly and concisely.
  - b. Always state a motion affirmatively. For example, "I move the staff recommendation that we support AB 123..." rather than, "I move that we do not take a position ...".
  - c. Avoid comments unrelated to the subject of the motion.
  - d. Avoid making any arguments supporting your motion at this time, simply state the motion.
3. Wait for someone to second your motion.
4. Another member will second your motion or the chair will call for a second.
5. If there is no second to your motion it is lost and no vote will be taken by the committee.
6. If there is a second to your motion the chair should re-state the motion, or ask Cal Cities staff to re-state the motion.
  - a. The chair will say, "it has been moved and seconded that we ..." This places the motion before the committee for consideration and action.
  - b. The committee then either debates the motion or may move directly to a vote.
  - c. Once a motion is presented to the committee by the chair it becomes "committee property," and cannot be changed by the maker of the motion without the consent of the committee.
7. At this point the individual making the initial motion (the mover) may elect to expand on the motion. For example, this would be the appropriate time for the mover to present an argument in support of the motion.
8. The chair should always recognize the mover first.
  - a. All comments and debate must be directed to the chair.
  - b. Keep to the time limit (if any) for speaking that has been established.
  - c. The mover may speak again only after other speakers are finished, unless called upon by the chair.
9. Putting the Question to the Committee
  - a. The chair asks, "Are you ready to vote on the question?"
  - b. If there is no more discussion, a vote is taken on the motion.
  - c. If the motion passes, the committee moves on to the next item on the agenda.
  - d. If the motion fails, and no other motion is on the floor, then a new motion is in order.

*Note: If a motion to support AB 123 fails, this does not mean that there is opposition to AB 123 by default. A separate motion to oppose AB 123 or some other formal motion must be made and voted on by the committee.*

## IV. VOTING ON A MOTION

### 1. **Voting is Conducted by Voice**

The chair asks those in favor to say, "aye," those opposed to say "no." If the outcome is unclear by voice, a hand vote may be taken. Any member may move for an exact count. Following the vote, the chair should announce the outcome.

*Example:*

*Chair: There is a motion and a second to support AB 123. All those in favor say, "aye." All those opposed say, "no." If the outcome by voice is clearly in support the chair would announce that, "The motion to support AB 123 passes." If the outcome results in opposition to the motion, the chair would announce that, "The motion to support AB 123 fails." If the outcome is unclear the chair, or another member may ask for a hand count.*

## V. QUORUM

### 1. **Presumption of a Quorum**

The presence of a quorum is *presumed* unless the issue is raised.

*Note: It is not necessary, and is disfavored for the chair to routinely begin a meeting inquiring about the presence of a quorum.*

### 2. **Calculating the Presence of a Quorum**

If the issue of whether a quorum is present is raised, a quorum consists of a majority of all appointed, voting members of a policy committee. A majority simply means more than half, not fifty percent plus one.

### 3. **Votes Taken Prior to the Question of Whether a Quorum is Present Are Valid**

If a vote(s) is taken prior to the question of whether a quorum was present is asked, and it is later determined that a quorum was not present when the vote(s) was taken, the action taken is still valid.

### 4. **Votes Taken in the Absence of a Quorum are Advisory**

A vote may be taken on matters *even if a quorum is not present*, but all votes taken by that body will be *advisory* to the Cal Cities Board or the General Resolutions Committee, and the Board or the General Resolutions Committee must be advised that a quorum of the body was not present. The vote count should also be noted and communicated.

## HOW CAL CITIES POLICY COMMITTEES WORK

### Role and Responsibility of Committee Members

The strength of Cal Cities policy process and ability to effectively engage in the legislative process is based on the active involvement of and the expertise of city officials. We rely on your technical and policy knowledge, thoughtfulness, strategic thinking, and political savvy. Your role is to engage in thoughtful discussions at the meeting. Members should review the agenda and background material prior to the meetings, attend each meeting, and stay for the entire duration of the meeting.

Cal Cities has seven (7) policy committees, each with their own subject matter jurisdiction. Each policy committee plays a role in directing Cal Cities engagement at the local, state, federal, and regulatory levels by adopting positions on relevant policy. These recommendations are then referred to Cal Cities Board of Directors. Once approved, these positions are adopted as formal League policy and become part of Cal Cities compilation of existing policy entitled, “*Summary of Existing Policy and Guiding Principles*” (Summary). This document will be updated in April 2020 and every two years thereafter. The Summary, in its entirety, is located on Cal Cities Web site at [www.cacities.org/advocacy](http://www.cacities.org/advocacy). Individual sections are located on each policy committee’s Web page, which are available at [www.cacities.org/polcomm](http://www.cacities.org/polcomm).

### Policy Committee Legislative Agenda Items

League policy committees review bills or regulatory proposals on issues for which Cal Cities does not have existing policy, or for which staff members feel a policy discussion needs to occur for greater clarity or background on an issue. Staff will lobby legislation, funding proposals, or regulatory changes where existing policy provides clear direction.

### Committee Recommendations on Positions on Bills

The committee’s actions or positions are a recommendation to Cal Cities Board of Directors for a formal League position. Possible committee recommendations can be:

- Support
- Oppose
- Support-if-amended (as appropriate, specific amendments may be requested)
- Oppose-unless-amended (as appropriate, specific amendments may be requested)
- No position
- Neutral

There are nuanced differences between some of these positions. For example, “*support-if-amended*” sends a very different message than “*oppose-unless-amended*.” Both positions might seek the same change but the support-if-amended position means that Cal Cities would be listed with the “supporters” of the bill in most legislative analysis. In addition, “*no position*” and “*neutral*” have different meanings and require different actions from staff. Selection of one or the other depends in part upon what type of message or political posture Cal Cities needs to take. Staff will advise the committee about the implications of each on a case-by-case basis.

## **Approval by League Board Needed for All Committee Recommendations**

All committee actions are recommendations to Cal Cities Board, which has the final say on all positions. Under no circumstances are individual committee members nor the committee itself authorized to speak on behalf of Cal Cities. When a committee action is supported by a large majority (e.g., 32 to 3), the recommendation is placed on the Board's consent calendar. When the committee vote is split (e.g., 15-13), the item will be presented as an action item for the Board's discussion. Staff will also provide information about the reasons behind the committee's recommendation to the Board.

Most of the time, the Board adopts the recommendation of the policy committee. When the Board adopts a different position, staff will notify the committee members of the reason for the different position.

Some issues cut across more than one committee. When this occurs, staff will coordinate and bring a bill to more than one committee for review and recommendation. The recommendations are then forwarded to Cal Cities Board and if there is a different recommendation, Cal Cities Board resolves the difference.

## **Role of the Committee Chair**

The chair's role is to balance the often competing needs of the membership to have a full and thoughtful discussion on the issues within the very real time constraint. The chair will often limit debate – either in the number of speakers or the amount of time each speaker has – in order to ensure that we can move ahead on our agenda and cover the items included. We ask that when you make comments on issues before the committee that you be brief and concise and that you not repeat what has already been stated. Also, if you have already spoken on an issue, the chair may ask you to hold your comments until after new speakers are able to share their comments.

## **Committee Schedule and Process**

Committees generally meet three times a year (January in Sacramento, April in Anaheim, and So. San Francisco in June), plus an abbreviated meeting at the Annual Conference (October in Long Beach) to review resolutions if any are assigned to it. (The October meeting schedule will be announced in mid-August). Meetings begin at 10:00 a.m. and conclude by 3:00 p.m. and are scheduled on Thursdays and Fridays. **Please note that each policy committee will rotate which day it will occur on a yearly basis, so plan accordingly prior to submitting future applications.**

## **Agendas/Disseminating Information**

A meeting notice is emailed to committee members about a month to six weeks in advance of the meeting, containing travel and logistical information. An agenda packet is emailed at least one week before a meeting and also sent via e-mail. Highlights that summarize committee actions are prepared by staff and provided to committee members about two to three weeks after the meetings. All materials are also available on Cal Cities Website:

[www.cacities.org/polcomm](http://www.cacities.org/polcomm).

We encourage you to visit Cal Cities Web site: [www.cacities.org](http://www.cacities.org). In addition to containing committee materials, the Website contains information on Cal Cities priorities and a link to track individual bills and Cal Cities position on them. You should also subscribe to Cal Cities electronic newsletter [CA Cities Advocate](#).

For meetings that are heavy in legislative review (generally in April and June), staff will try to find a balance between getting the agenda packet out early and the need to delay finalizing the agenda packet in order to include as many legislative items as possible and in their most current version. At some meetings, staff may use a supplemental agenda for last minute legislative issues. We will use e-mail as appropriate to send out late-breaking information or to gather committee input throughout the year. It is important that we have your preferred e-mail.

### **How to Get an Item on the Agenda**

Because staff prepares background material in advance of the meeting, and prepares the agenda in consultation with the Chair and Vice Chair, it is difficult to add items at the last minute. In addition, Cal Cities tries to comply with the spirit of the Brown Act in its meetings. If you wish to have the committee discuss an item, you should contact staff well in advance of the meeting in order to determine the feasibility of including it on the agenda, and if so, allow staff time to prepare the appropriate background material. Because of time constraints and a full work program before the committee, it may not always be possible to respond to such requests.

### **Issues Should Have Statewide Impact**

Although some of you may represent your division, your department, your affiliate organization, or simply yourself, we should all keep in mind that Cal Cities must address issues of statewide impact and interest. Thus, while an issue or bill may be of interest to your city or region, if it does not have broader, statewide implications, Cal Cities likely will not engage in that policy discussion or take a position. You should keep this in mind if you wish to suggest an item for discussion.

### **Brown Act and Roberts Rules of Order**

Cal Cities tries to comply with the spirit of the Brown Act. Thus, when the committee discusses items not already on the agenda (e.g., supplemental legislative agenda), the Chair will ask for a vote of approval to add that item to the agenda. Cal Cities also follows Roberts Rules of Order and provides a brief overview of key procedural steps in Roberts Rules as they apply to committees.

### **Staffing for Committee**

Each committee has a staff lobbyist assigned to it. This individual is your main point of contact for logistics or questions about the agenda. Generally, each lobbyist has a “main” committee and will remain with the committee throughout the meeting. Occasionally he/she may leave the meeting to make guest appearances in other committees to discuss issues or bills. Additional staff may also be present to support the committee’s work.

### **League Partners and Other Guests**

Cal Cities Partners have the ability to appoint up to two non-voting representatives to each policy committee and are seated at the table with other committee members. In addition, city officials, other members of Cal Cities Partners Program, and interested members of the public are welcome to attend the meetings. We provide an opportunity for our League Partners and other members of the public to offer comment on items before the committee during the designated public comment period on the agenda.

# Transportation, Communication and Public Works

## *Scope of Responsibility*

The Committee on Transportation, Communication and Public Works reviews both state and federal legislation as it relates to issues of transportation funding, construction, public works, telecommunications, and other related areas.

## *Summary of Existing Policy and Guiding Principles*

### **Transportation**

The League supports constitutional protections for transportation funding to be dedicated for transportation purposes only and opposes any efforts to reduce or eliminate transportation funding for local government.

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. One of the League's priorities is to protect the consistent and continuous appropriation of new monies from various sources directly to cities and counties for the preservation, maintenance and rehabilitation of the local street and road system. New and additional revenues should continue to meet the following policies:

- System Preservation and Maintenance. Given the substantial needs for all modes of transportation, a significant portion of new revenues should continue to focus on system preservation. Once the system has been brought to a state of good repair, revenues for maintenance of the system would be reduced to a level that enables sufficient recurring maintenance.
- Commitment to Efficiency. Priority should continue to be used to improve current systems. Recipients of revenues should incorporate operational improvements and new technology in projects.
- All Users Based System. New revenues should continue to be borne by all users of the system from the traditional personal vehicle that relies solely on gasoline, hybrid or electric technology, to commercial vehicles moving goods in the state, and even transit, bicyclists, and pedestrians who also benefit from the use of an integrated transportation network.
- Alternative Funding Mechanisms. Given that new technologies continue to improve the efficiency of many types of transportation methods, transportation stakeholders must be open to new alternative funding mechanisms. Further, the goal of reducing greenhouse gases is also expected to affect vehicle miles traveled, thus further reduce gasoline consumption and revenue from the existing gas tax. The existing user based fee, such as the base \$0.30 cent gas tax is a declining revenue source. Collectively, we must have the political will to push for sustainable transportation revenues.
- Unified Statewide Solution. For statewide revenues, all transportation stakeholders must stand united in the protection of new revenues. Any new statewide revenues should address the needs of the entire statewide transportation network, focused in areas where there is defensible and documented need.

- Equity. New revenues should continue to be distributed in an equitable manner, benefiting both the north and south and urban, suburban, and rural areas as well as being equally split between state and local projects.
- Flexibility. Needs vary from region to region and city to city. New revenues and revenue authority should continue to provide the flexibility for the appropriate level of government to meet the goals of the constituents.
- Accountability. All tax dollars must be spent properly, and recipients of new revenues must be held accountable to the taxpayers, whether at the state or local level.
- Education. Through the City and County Pavement Improvement Center (CCPIC), educational opportunities to provide additional research and development, guidance, specifications, tools, and training in pavement management and engineering must be made available to local governments to help ensure local streets and roads last longer, cost less, and are more sustainable.

The League supports a permanent shift of the sales tax on gasoline for transportation purposes and an allocation formula equivalent to 40/40/20 split of 40 percent to cities and counties, 40 percent to STIP and 20 percent to transit.

The League supports enhanced autonomy for local transportation decision-making and pursues transportation policy changes that move more dollars and decisions to local policy leaders. The League supports spending transportation moneys for transportation purposes. The League will seek the maximum share of available funding for local transportation programs. The League supports implementation of federal transportation funding re-authorization legislation in a manner that supports these principles.

The League supports the preservation and expansion of transportation grant funding opportunities to help incorporate new transportation technologies and practices into local transportation networks, such as active transportation grant funding and transportation innovation grant funding.

The League opposes the state pursuing any transportation policy change that would result in a reduction of revenue from the Highway Users Tax Account and/or the Road Maintenance and Rehabilitation Program. The League supports a requirement for the state to consult with the League of any transportation policy changes to help ensure such strategies include funding equal to or greater than what cities already receive to maintain, operate, and rehabilitate their existing streets and roads network.

The League supports the ongoing study of the Road User Charge, which aims to identify an alternative to the gas tax as a way to fund transportation infrastructure.

The League supports efforts that streamline funding between the state, federal, and local governments that help reduce the amount of time and resources it takes to fund and complete transportation projects, such as NEPA delegation and the Match-Exchange Program.

The League opposes conditioning a city's share of transportation funding on housing related goals, such as planning and production, instead favoring comprehensive housing solutions for housing problems.

The League supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation

priorities are not affected. Furthermore, this funding should not compete with preservation of the road system in light of the identified \$73 billion in unmet needs on the city and county street and road system, as identified in the California Statewide Local Streets and Roads Needs Assessment Report completed in 2016. The League opposes any mandatory set-asides or prioritization for bicycle and pedestrian access on the state or local system using state or local maintenance and/or rehabilitation funding.

The League opposes requiring a city or parking processing agency to automatically cancel notices of parking violations, prior to a request from a vehicle owner, if the violation does not substantially match the corresponding information on the vehicle registration.

The League opposes efforts that limit the ability for cities to remove or immobilize vehicles that chronically ignore moving and/or parking violations and/or are operating unlawfully on public roads.

The League supports the visionary effort of the High-Speed Rail project, and supports the involvement of local officials in the project planning and implementation. However, the League opposes efforts to exempt the High-Speed Rail project from the California Environmental Quality Act (CEQA) and other processes that provide an opportunity for local input. The League also supports efforts to reaffirm voter support of the project, including voter reconsideration for the bond.

The League supports the development of best practices and funding to support all modes of goods movement including ports, roadways, storage/distribution centers, rail and air. A focus should be kept on job creation and retention, economic development, and safety. The League encourages cities to actively engage their region and the state in making goods movement decisions.

The League supports efforts to improve the California Public Utilities Commission's ability to respond to and investigate significant transportation accidents in a public and timely manner to improve rail shipment, railroad, aviation, marine, highway, and pipeline safety.

The League supports efforts to expand the Caltrans Business Logo Program.

The League supports having a balanced regulatory framework over both the taxi and TNC industries and encourages the PUC to include biometric identification data from TNC drivers and to have TNC companies conduct vehicle safety inspections and a policy where both industries where they are regulated by the state's PUC, while giving cities the ability to regulate both industries when any given city finds that state regulation is insufficient for their community.

The League supports the Full Funding Grant Agreement (FFGA) process for the Federal Transit Administration's (FTA) Capitol Investment Grant (CIG) program.

## **Public Works**

The League supports retaining maximum flexibility for timely and cost-effective completion of public works projects. The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding.

The League supports efforts to divert products that contribute to decreased capacity and increased maintenance costs at wastewater treatment facilities.

The League encourages the state to adopt maximum response time for all necessary state reports, including Project Study Reports, to allow for a timely and cost-effective completion of public works projects. The League supports the certification of private firms to complete reports when state staff is unavailable.

The League supports expedited permitting when the work is necessary to ensure the integrity of gas pipelines, provided that local permitting and plan review requirements are met.

The League opposes efforts to alter the way that Caltrans prioritizes its litter cleanup and abatement program to just the segments of highway that receive the highest number of complaints.

The League supports improving the state's seismic readiness and resiliency, including tax credits for retrofitting seismically vulnerable buildings and the state conducting its own survey of buildings that are potentially vulnerable in seismic prone regions of the state. The League opposes any efforts to impose such a mandate on local governments.

### **Micromobility**

The League supports efforts that reassert local authority to regulate emerging transportation technologies, such as e-scooters and e-bicycles and opposes efforts to limit this authority and the city's access to meaningful data from companies operating within their jurisdiction.

### **Vehicles**

The League supports a requirement for transit operators to provide at least one staff person in each of its fully-automated transit vehicles in the early stages of autonomous transit vehicle deployment.

The League opposes all efforts that allow vehicles and vehicle operators on the road that will jeopardize the integrity of the public infrastructure or the health and safety of the motoring public. The League supports all efforts to retain maximum control of the local street and road system. The League supports traffic safety enhancements such as motorcycle helmets, child restraints, seat belt and speed limit laws.

The League opposes any efforts to increase truck size or weight. The size and weight of trucks is important because it affects the stability and control of the truck, the way it interacts with other traffic, and the impact it has when colliding with other vehicles. Truck safety is particularly important because these vehicles share city streets and county roads with users — such as, motorists, pedestrians, cyclists, motorcyclists, and bus riders.

The League encourages cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.

The League supports a requirement that all state rulemaking bodies consider the following factors for any proposed rule impacting vehicles: the weight added to any vehicle; the effect any added weight would have on pavement wear; and the resulting costs to state and local governments.

The League supports efforts to protect consumers from unscrupulous tow trucker companies and operators.

The League holds that increasing vehicle fines do not improve safety around school zones and encourages other efforts, such as increased police presence and additional crossing guards as better solutions to safety issues in school zones.

The League supports legislation that authorizes the testing or conducting of pilot projects for autonomous vehicles.

### **Contracts**

The League supports maintaining maximum local flexibility in the area of contracting and contract negotiations. The League supports changes to law that allow cities options to use design-build contracting and other innovations designed to bring efficiency to public contracting. The League also supports contracting out with private entities to increase project delivery efficiency and affordability.

The League opposes efforts to shift additional legal costs and liability away from design professionals and contractors to local governments.

### **Telecommunications**

The League supports a state tax levied on direct broadcast satellite television service providers if the proceeds are distributed to support local public safety programs consistent with a geographic distribution methodology that reflects households using this service, and provided that the tax is repealed should the revenues be diverted by the state for another purpose.

Traditional franchising at the local level has served the valuable purpose of tailoring service to unique local conditions and needs and assuring responsiveness of providers to consumers. The continued involvement of local government in any new state or federal regulatory scheme by way of locally negotiated agreements is an essential component of telecommunications regulations; best serves the needs of consumers, and is consistent with the goal of providing consumers greater choice in telecommunications options.

Any new state or federal standards must conform to the following principles:

#### Net Neutrality

- Access to fast, reliable, and high quality internet is essential for the success of our collective communities.
- Reliable communications and data networks for essential services, such as police and fire, are necessary, especially during times of emergency.
- Communications and data networks are increasingly important for the relationship between local government and its residents and businesses.
- Net neutrality prevents internet service providers from blocking, throttling, degrading, or providing for paid prioritization of lawful content, applications, or services.
- Free and open internet can spur innovation and help close the digital divide in California.

#### Revenue Protection

- Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
- Regulatory fees and/or taxes should apply equitably to all telecommunications service providers.
- A guarantee that all existing and any new fees/taxes remain with local governments to support local public services and mitigate impacts on local rights-of-way.
- Oppose any state or federal legislation that would pre-empt or threaten local taxation authority

#### Rights-of-Way

- To protect the public's investment, the control of public rights-of-way must remain local.
- Local government must retain full control over the time, place and manner for the use of the public right-of-way in providing telecommunications services, including the appearance and aesthetics of equipment placed within it.

#### Access

- All local community residents should be provided access to all available telecommunications services.
- Telecommunications providers should be required to specify a reasonable timeframe for deployment of telecommunications services that includes a clear plan for the sequencing of the build-out of these facilities within the entire franchise area.

#### Public Education and Government (PEG) Support

- The resources required of new entrants should be used to meet PEG support requirements in a balanced manner in partnership with incumbent providers.
- For cities currently without PEG support revenues, a minimum percentage of required support needs to be determined.

#### Institutional or Fiber Network (INET)

- The authority for interested communities to establish INET services and support for educational and local government facilities should remain at the local level.

#### Public Safety Services

- The authority for E-911 and 911 services should remain with local government, including any compensation for the use of the right-of-way. All E-911 and 911 calls made by voice over internet protocol shall be routed to local public safety answering points (PSAPs); i.e., local dispatch centers.
- All video providers must provide local emergency notification service.

#### Customer Service Protection

- State consumer protection laws should continue to apply as a minimum standard and should be enforced at the local level. Local governments should retain the authority to assess penalties to improve customer service.

#### Wireless Infrastructure

- Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding.
- The League supports the authority of cities to zone and plan for the deployment of telecommunications infrastructure. The League supports the ability of cities to maintain and manage the public right-of-way and receive compensation for its use. The League supports

the innovation and economic development potential of the “information superhighway” and the many possible benefits in the areas of telecommuting and productivity it promises. The League will work with the California Public Utilities Commission, the various telephone companies and federal regulatory agencies to improve telephone area code planning in California.

- The League supports model agreements between cities and wireless communications providers for the deployment of wireless infrastructure, including small cells and macro cell towers, within their jurisdiction.
- The League supports a requirement of telecommunications providers to notify the California Office of Emergency Services (CalOES) of 911 service or emergency warning outages to help ensure the most efficient deployment of emergency services in affected areas.

### **Plain Old Telephone System (POTS):**

The League believes the following principles in order to ensure minimum standards are met before service withdrawals of plain old telephone systems are made:

- Require that reliable communications systems are in place prior to any technology transition to ensure vital government services and public safety operations are available to communicate with citizens during emergencies.
- Telecommunications service should be technology neutral to include similar regulatory protections and obligations, such as maintenance of infrastructure, access to facilities, and provision of basic voice and broadband service.
- Ensure a transparent process for the phase out of POTS, avoiding self-certification and arbitrary timelines for CPUC review of withdrawal requests.
- Require carriers to assist local governments in a proposed service withdrawal area to determine which public services are dependent on them.
- Require the CPUC to consult with State and local agencies to verify alternative communications services that meet or exceed POTS quality, accessibility, reliability, and affordability and determine adequate transition times, especially to ensure functionality of the 911 system.
- For wireless technology alternatives, local governments must have guaranteed priority access to the 911 system.
- Ensure State enforcement and accountability over any proposed service withdrawals.
- Require that the transition to an alternative service is cost neutral for consumers, with additional costs borne by the carriers, including ancillary costs such as software and equipment, for instance.
- Require the CPUC to notify and work with cities and other local governments of proposed service withdrawals to ensure appropriate transitions.
- Carrier cost savings from any such transition should be shared with customers, including local governments through a state developed and administered financial assistance program.
- Require that “Lifeline” rates for customers with special needs are cost and technology neutral, in the short and long term.
- Require that telecommunications companies that withdraw plain old telephone service within any given area continue to maintain the infrastructure and if no longer in use, be responsible and pay for the removal of the infrastructure.

The League opposes a deregulated framework for Voice over Internet Protocol (VoIP) technology given that VoIP is often a “communication of last resort,” as the state’s populace

rapidly moves away from plain old telephone service and onto VoIP or wireless communications.

### **Air Pollution**

The League will monitor developments and the ramifications of efforts to regulate air quality and related congestion strategies as it is related to transportation.

**Note:** The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League's General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."

## LEAGUE OF CALIFORNIA CITIES

# 2021 Strategic Advocacy Priorities

City leaders throughout the state work hard every day to improve the quality of life for their residents, and create an equitable and just future for all Californians. In 2020, city leaders displayed remarkable resilience in their commitment to serving their communities, taking action to protect their residents from a global pandemic, leading in the recovery of their local economies, responding to calls for equity and justice, and combating one of the worst wildfire seasons in history.

In setting the League of California Cities annual strategic advocacy priorities, cities remain committed to resiliency, response, and recovery to strengthen our cities and move our communities forward. We stand ready to work collaboratively with the state and federal governments and other stakeholders to accomplish our strategic advocacy priorities in 2021.

1. **Secure state and federal funding for local COVID-19 public health response and economic recovery for all.** Secure direct and flexible funding and resources for cities of all sizes so they can continue to protect residents from the pandemic, deliver essential services, support small businesses, and lead the recovery in our communities. Improve communication and coordination with regional, state, and federal governments on public health orders and programs to stimulate equitable economic recovery.
2. **Secure funding to increase the supply and affordability of housing and resources to assist individuals at risk of – or already experiencing – homelessness while preserving local decision making.** Secure additional resources to increase construction of housing, particularly affordable housing, workforce housing, and permanent supportive housing, and ensure cities retain flexibility based on the land use needs of each community. Increase flexibility and resources to provide navigation assistance and emergency shelters, and strengthen partnerships and collaboration with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.
3. **Improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery.** Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.
4. **Protect and modernize critical infrastructure.** Seek increased state and federal resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.

**Cal Cities TCPW Broadband Update - January 2021**

**AB 14 (Aguiar-Curry) Communications. Broadband Services. California Advanced Services Fund. (Urgency)**

Specifically, this measure:

- Authorizes the ongoing collection of the existing California Advanced Services Fund (CASF) surcharge beyond the original sunset date of 2022;
- Creates a Broadband Bond Financing and Securitization Account, authorizing the California Public Utilities Commission (CPUC) to issue bonds up to \$1,000,000,000 for the deployment of broadband infrastructure by local governments or nonprofits;
- Requires the Governor’s Office of Business and Economic Development (GO-Biz) to develop a model for streamlined local land use approval and construction permit processes for broadband infrastructure deployment and connectivity projects before June 30, 2022;
- Makes it easier for local governments to apply for CASF grants:
  - Currently, local governments are only eligible for CASF funding if no other service provider applies to fund a project in that area;
  - AB 14 would eliminate that requirement making it easier for local governments to be eligible for funding;
  - Allow for funding appropriated through the CASF to be used to match or leverage federal moneys for internet infrastrcuture;
- Identifies households with speeds of at least 25 megabits per second (mbps) downstream and three mbps upstream as “unserved” while maintaining the CPUC’s prioritization of CASF projects in unserved areas where internet connectivity is at or below ten mbps downstream and one mbps upstream or areas with no internet connectivity;
- Requires CASF projects to provide broadband access at speeds of a minimum of 25 mbps downstream and 25 mbps upstream with a goal of 100 mbps downstream;
- Authorizes the CPUC to require each internet service provider to report information regarding each free, low-cost, income-qualified, or affordable internet service plan advertised by the provider;
- Authorizes the CPUC to approve CASF applications to deploy or upgrade broadband services when an existing facility-based broadband provider is unwilling or unable to deploy broadband service;
- Ensures that anchor institutions are eligible for CASF grants; and
- Authorizes local educational agencies to report the estimated needs for computing devices and internet connectivity adequate for at-home learning to the Department of Education.

**AB 34 (Muratsuchi) Communications. Broadband for All Act of 2022.**

This measure directs the Legislature to enact the Broadband for All Act of 2022 (Act), to become operative only if approved by the voters during the statewide general election on November 8, 2022. Specifically, the Act is a \$10 billion general obligation bond measure to provide funding for statewide broadband infrastructure to close the digital divide and provide access to high-speed internet in unserved and underserved communities throughout the state. Bond funds can be allocated to cities, counties, special districts, school districts, universities, community colleges, state emergency service providers, California Native American tribes, and

joint power authorities. The Act aims to provide high-speed internet to support job creation and economic development, public education, telecommuting, telehealth-telemedicine, emergency response and preparedness, and other public services.

#### **AB 41 (Wood) Broadband Infrastructure**

This measure states the intent of the Legislature to enact future legislation that will improve California's "Dig Once" policy and expedite the deployment of broadband infrastructure in communities that are currently unserved and underserved.

#### **SB 4 (Gonzalez) Communications. California Advanced Services Fund. (Urgency)**

Specifically, this measure:

- Authorizes the ongoing collection of the existing California Advanced Services Fund (CASF) surcharge beyond the original sunset date of 2022;
- Requires the Governor's Office of Business and Economic Development (GO-Biz) to coordinate with state, local, and national agencies to explore ways to streamline local land use approval and construction permit processes for broadband infrastructure deployment and connectivity projects;
- Identifies unserved areas as areas where 90% of the population does not have a provider offering at least one tier of broadband service at speeds of at least 25 megabits per second (mbps) downstream and three mbps upstream;
- Maintains the CPUC's prioritization of CASF projects in unserved areas where internet connectivity is at or below ten mbps downstream and one mbps upstream or areas with no internet connectivity;
- Deletes the prohibition on the CPUC approving projects in areas where the existing broadband provider demonstrates it will deploy broadband or upgrade existing broadband service to that area and publicly disclosing information relating to the provider's plans for future broadband deployment;
- Requires CASF projects to at a minimum provide broadband access at speeds of a minimum of 25 mbps downstream and three mbps upstream with a goal of 100 mbps downstream;
- Makes it easier for local governments to apply for CASF grants:
  - Currently, local governments are only eligible for CASF funding if no other service provider applies to fund a project in that area;
  - SB 4 would eliminate that requirement making it easier for local governments to be eligible for funding;
  - Not only will local governments be eligible for CASF funding, but SB 4 also enables jurisdictions to utilize CASF funding to match or leverage other public and private funding opportunities; and
- Creates a Broadband Bond Financing and Securitization Account within the CASF, authorizing the California Public Utilities Commission (CPUC) to issue bonds for the deployment of broadband infrastructure by local governments or nonprofits.

#### **SB 28 (Caballero) Digital Infrastructure And Video Competition Act of 2006.**

This measure states the intent of the Legislature to enact legislation relative to the Digital Infrastructure and Video Competition Act (DIVCA) of 2006, to be known as the California Rural Broadband and DIVCA Reform Act of 2021.



AB 14 Bill Proposal – Internet For All Act of 2021

**SUMMARY**

AB 14 prioritizes the deployment of broadband infrastructure in California’s most vulnerable and unserved rural and urban communities by extending the ongoing collection of funds deposited into the California Advanced Services Fund (CASF) to provide communities with grants necessary to bridge the digital divide.

**BACKGROUND**

As evidenced by the ongoing global COVID-19 pandemic the capacity to rapidly connect all California residents with evolving emergency information is essential to safeguarding public health and safety during these unprecedented times. A Pew Research Study conducted in April 2020 found that roughly half of United States adults (53%) say the internet has been essential for them personally during the pandemic.

Although barriers to broadband connectivity have persisted for decades, the COVID-19 pandemic has highlighted the digital divide that separates Californians without internet connectivity from those who already have and depend on fast and reliable internet access as a normal part of their daily lives. As record unemployment rates persist, internet access is vital for economic recovery and resiliency. This is especially important for our most vulnerable Californians who remain disproportionately disconnected, including those who are low-income, living in rural areas, and Black or Latino.

Further, lack of reliable access to academic resources and distance learning tools diminishes our youngest Californians’ opportunity to thrive. This is a preventable barrier for far too many students, as nearly 1 million (15.6%) school-aged children (ages 6-17) have no internet connection at home and over 1.6 million (27.5%) of children do not have broadband access.

**THIS BILL**

AB 14 recognizes that reliable internet connectivity is a critical necessity now, and that this will remain the case even after the COVID-19 pandemic has subsided. This bill equips Internet Service Providers, Local Governments, and Tribal Governments with the opportunity to expedite the connection of their communities to reliable broadband access indefinitely.

AB 14 ensures grants administered by the California Public Utilities Commission (CPUC) from the CASF are awarded to applicants who are willing and able to quickly and efficiently connect households, community anchor institutions, small businesses, and employers. Specifically, AB 14:

- Authorizes the ongoing collection of the existing CASF surcharge.
- Creates a Broadband Bond Financing and Securitization Account to support costs related to financing the deployment of broadband infrastructure by a local government agency or nonprofit organization, including but not limited to, payments of costs of debt issuance, obtaining credit enhancement, and establishment and funding of reserves for the payment of principal and interest on debt.
- Requires CASF Infrastructure Grant applications must provide broadband access at speeds of a *minimum* of 25 megabits downstream and 25 megabits upstream with a goal of 100 megabits per (mbps) second downstream.
- Identifies all households with speeds of at least 25 mbps downstream and 3 mbps upstream as ‘unserved’.
  - Maintains prioritization of those ‘unserved’ households with speeds of at least 10 mbps downstream and 1 mbps upstream in addition to prioritization of high-poverty unserved households, meaning those within a census tract in which at least 50 percent of residents are designated low-income
- Ensures ‘anchor institutions’ defined as schools maintaining kindergarten or any of grades 1 to 12, inclusive, community colleges, libraries, hospitals, health clinics, public safety entities, government buildings, and community organizations are eligible for CASF grants on a fair cost-sharing basis for interconnection along the path of deployment.
- Authorizes the CPUC to approve an application for funding to deploy or upgrade broadband services upon making a finding that the existing facility-based broadband provider is unwilling or unable to deploy broadband for the project application service area.
- Requires the Governor’s Office of Business and Economic Development (Go-BIZ), in consultation with the California Broadband Council, Public Utilities Commission, Department of Transportation, and



AB 14 Bill Proposal – Internet For All Act of 2021

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Department of Technology to develop recommendations and a model for streamlined local land use approval and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

- Requires the California Department of Education to post information voluntarily reported by Local Education Agencies regarding the needs for computing devices and internet connectivity adequate for at-home learning on their website, in addition to an annual report of computing device and connectivity needs.
- Authorizes the CPUC to require each internet service provider to report information regarding each available free, low-cost, income-qualified, or affordable internet service plan advertised by the provider, including the cost of plan, eligibility requirements, data limitations, number of California residents enrolled in the plan, and a description of their outreach efforts to eligible populations.

AB 14 is a critical step towards expediting the deployment of broadband infrastructure throughout California. This bill provides a vital pathway to connect California's workforce to gainful employment, harness the life-saving technology of telemedicine, democratize distance learning, enable precision agriculture, and sustain economic transactions in times of emergencies.

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## SB 4 (Gonzalez) The Broadband for All Act

### SUMMARY

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Senate Bill 4 will secure continuous funding and implement a number of critically needed reforms to the California Advanced Services Fund (CASF) program administered by the California Public Utilities Commission (CPUC). These changes will help close the digital divide and meet the connectivity needs of Californians, both during this unprecedented pandemic and for decades to come.

### EXISTING LAW

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The CASF provides grants to bridge the digital divide in unserved and underserved areas in the state. In 2017, AB 1665 (E. Garcia, Chapter 851, Statutes of 2017) authorized the CPUC to collect up to \$330 million through the 2022 calendar year to fund the CASF through a surcharge on certain phone customers. Out of the CPUC's six public purpose programs, CASF is the only one that does not receive continuous funding.

On August 14, 2020, Governor Newsom signed Executive Order No. 73-20, which directed various state agencies to collaboratively source solutions to address the digital divide and set a goal for deploying high-speed 100 megabits per second (mbps) internet and infrastructure.

### BACKGROUND/PROBLEM

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The COVID-19 Pandemic has exacerbated the deeply entrenched digital-divide, which has left many lower income, Latino, African American, and rural communities without access to high-speed broadband services<sup>1</sup>. Whether it be children doing homework outside of fast food restaurants, or medically-fragile individuals who can't access services through tele-health care, the pandemic has shown a spotlight on the inequality in

access to broadband that has existed in our state for years. The implications of a continued long-term lack of access to telehealth services for at-risk populations, or the loss of critical education time for developing students, are massive and must be addressed.

Even before the COVID-19 Pandemic, over half of all internet traffic was data-rich video, requiring higher-capacity networks,<sup>2</sup> and in 2017, 31% of Californians, 12 million people, had no or insufficient broadband access.<sup>3</sup>

Given current circumstances, the need for fast high-quality internet and future-proof infrastructure has never been more immediate or severe. The existing CASF program has a goal of providing sufficient internet access to 98% of Californians. However, four major problems with the current CASF program prevent the fund from achieving its goal.

- (1) CASF grants can be used for projects that deploy internet at speeds as slow as 10/1 mbps, which are incapable of meeting average household demands.
- (2) Grant funds to build out broadband infrastructure are primarily reserved for areas that have internet at dial-up speeds or lower, leaving out many communities where Californians struggle with slightly faster but still obsolete connectivity.
- (3) Local governments are currently last in the queue to be considered for CASF funds, and many smaller and rural local governments with critical on-the-ground knowledge about their community's needs may not have the technical expertise to successfully obtain CASF grants.
- (4) The CASF program is funded through a small surcharge, which ends in 2022, leaving the CASF with insufficient funding to achieve its stated goals.

1. <https://www.ppic.org/publication/californias-digital-divide/>  
2. Strain, Garrett, Samir Gambhir, and Eli Moore. "AT&T's Digital Divide in California." (2017).  
3. [http://www.internetforallnow.org/2017\\_uc\\_berkeley\\_igs\\_study\\_on\\_california\\_digital\\_divide](http://www.internetforallnow.org/2017_uc_berkeley_igs_study_on_california_digital_divide)

## **SOLUTION**

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SB 4 will update the CASF by making communities eligible for grants based on their true internet need, promoting deployment of high-speed, 100mbps broadband, and making it easier for local governments to apply for grants and finance their own infrastructure.

Additionally, SB 4 recognizes that a long-term commitment is needed to develop future proof infrastructure, and removes the 2022 sunset on the CASF surcharge. SB 4 ensures oversight and transparency by requiring a biennial audit of the program, and caps the surcharge fee at \$0.23/month.

Finally, the bill establishes the Broadband Bond Financing Securitization Account, which will fund the costs related to broadband bond financing and securities, including the deployment of infrastructure by a local government or nonprofit organizations.

These programmatic and funding reforms are critical to bringing the CASF into the 21st century and finally investing in closing the digital divide in California once and for all.

## **SUPPORT**

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Electronic Frontier Foundation (Co-Sponsor)  
Common Sense (Co-Sponsor)  
Access Humboldt  
Access Now  
ACLU of California  
California Center for Rural Policy  
California State Association of Counties (CSAC)  
Canal Alliance  
Central Coast Broadband Consortium  
Coalition for COVID Recovery, Support and Prevention  
Computer Science Teacher Association  
Consumer Action  
Consumer Reports  
Contextly  
Council for a Strong America  
County of Marin Board of Supervisors  
County of Monterey Board of Supervisors  
CUE  
Environmental Center for San Diego  
EveryoneOn  
Fight for the Future  
Founder Academy  
Georgetown Friends of the Library

Great School Voices  
The Greenlining Institute  
Indivisible Sacramento  
InnovateEDU  
Institute for Local Self-Reliance  
Khan Academy  
Louisville Metro Office of Civic Innovation and Technology  
MakeKnowledge  
Mayor, City of Daly City  
Media Alliance  
MediaJustice  
mohuman  
New America's Open Technology Institute  
North Peninsula Democratic Club  
OCHIN – CA. Telehealth Network  
Open Door Community Health Center  
Peninsula Young Democrats  
Public Knowledge  
Reddit, Inc.  
Rural County Representative of California (RCRC)  
San Diego County Office of Education  
TechEquity Collaborative  
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