

Right-of-Way and Franchise Fee Authority Preservation/Broadband Investment

The LOC will continue opposing legislation that challenges or preempts local authority to manage public right of ways and cities' ability to set rates and receive compensation for the use of these right of ways. This applies to existing technology, as well as the deployment of new small cell and 5G technology. In addition, the LOC will seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas, while opposing any legislative efforts restricting municipal authority to provide their own broadband services.

Background

In its commitment to the protection of home rule and local control, the LOC will aggressively respond to legislative efforts that attempt to restrict city authority to manage local right of ways, including compensation for local management via franchise fees and privilege taxes—this notwithstanding the fact that the court system, all the way up to the Oregon Supreme Court, has consistently found in favor of local authority in these matters.

The existence of a widely-deployed telecommunications and broadband infrastructure network throughout Oregon is critical to cities in terms of economic development, education, health and safety, and the ability of communities to be linked to government. Large areas of the state

are either not served, or are underserved, by competitive broadband technology. Additional funding from state and federal government is critical and would be invested into increased or new broadband infrastructure, especially for fiber connections to schools, community libraries and public safety buildings. Finally, it is important that private internet service providers, should they choose not to serve certain areas, not be allowed to block local government efforts to provide such service within their jurisdiction.

Desired Outcome

The LOC will protect local authority to manage public right of ways, and help ensure that the ability to receive just compensation from occupants of those right of ways is maintained. With the rapid onset of new technology, local governments also must control their own destinies with respect to how and where the deployment of new small cell technology occurs. Additional funding for broadband infrastructure deployment will bring this technology to all parts of the state, especially its more rural areas. Finally, for underserved areas where the private sector chooses not to provide services, or at least competitive services, local government must continue to have the option and the authority to provide the technology itself.