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Statement by U.S. Conference of Mayors CEO & Executive Director Tom Cochran on FCC's Order Subordinating Local Property Rights.

Washington, DC — Below is a statement by U.S. Conference of Mayors CEO and Executive Director Tom Cochran on today's FCC final Order on removing barriers to small cell deployment:

"The U.S. Conference of Mayors conveys its strongest opposition to today's final Order issued by the Federal Communications Commission. While The U.S. Conference of Mayors supports the nation's efforts to win the race to 5G, today's FCC action misapplies federal law to federalize local public property as part of its efforts to bestow upon a class of private companies special rights to access local rights-of-ways and public property.

"Despite efforts by local and state governments, including scores of commenters in the agency's docket, the Commission has embarked on an unprecedented federal intrusion into local (and state) government property rights that will have substantial and continuing adverse impacts on cities and their taxpayers, including reduced funding for essential local government services, and needlessly introduce increased risk of right-of-way and other public safety hazards.

"This wrongful intrusion threatens to slow down and undermine the FCC's own efforts to accelerate the deployment of new wireless infrastructure. In another action, the commission even seeks to rewrite and overturn decades-old compensation agreements between local (and state) governments and cable providers.

"Over the past year and in several instances, the federal government – the Administration, Congress and/or FCC – chose not to make deployment of small cells a federal priority in its own actions, be it new statutes and rules pertaining to federal property use rules, federal tax policy, federal spending and/or even federal spectrum revenue uses; yet, today's Commission actions seek to use a misapplication of federal power to confiscate local taxpayer property to this end. Mayors and other local and state government leaders rightly and strongly oppose these actions.

"The Conference believes this aggressive, and surely unlawful, intervention will prove counterproductive. The record on 4G deployments shows that the nation's mayors with other local and state officials partnered successfully with the private sector to build out the nation's fourth generation (4G) network, with the U.S. today accounting for roughly 40 percent of the world's 4G facilities. Regrettably, the Commission is choosing conflict over cooperation, and subordination over partnership.

"The Conference and its members now look to the federal courts to review and rectify this unlawful taking of local property, actions which we believe will compel local elected officials to subsidize, or "gift", local public property to a small, favored group of private businesses."

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