



Legislative UPDATE

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Don't Forget: **Mandatory Eminent Domain Reporting**

The comptroller has been contacting individual cities that have not filed their eminent domain report as required by law. Legislation passed in 2015 requires cities to annually fill out a [web-based form](#) with the comptroller relating to each city's statutory eminent domain authority. (The failure to fill out the form could result in a \$1,000 penalty against a city.)

The most recent reporting period ended on February 1, 2018. The 2018 entry should be, for almost every city, just an update of previously-filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code.

Of course, any city that never filled out the form as required should do so now. Detailed instructions on doing so are available in this [previous article](#).

New NLC Guide: **How to Plan for Small Cell Wireless Infrastructure**

[Editor’s note: The edited press release below was reprinted with permission from the National League of Cities (NLC). While the NLC materials provide an excellent overview and policy background, Texas law dictates how cities regulate small cell facilities and caps the rental fee for their placement. The information in the NLC documents should be consumed in light of Texas law.]

The National League of Cities (NLC) has released a new small cell wireless [municipal action guide](#) for city leaders. Small cell wireless infrastructure, which is increasingly important for wireless broadband deployment and smart city technology, has traditionally been guided by federal and industry interests, as opposed to local needs.

“As the world becomes increasingly interconnected, every resident – no matter their zip code – should have access to broadband internet,” said Clarence E. Anthony, CEO and executive director of the National League of Cities (NLC). “Whether it’s a student completing homework online or a business reaching customers through a smartphone app, the strength of our communities depends on high-speed internet access for all. As cities continue to lead and pilot new technologies, we must ensure they have the necessary supports and resources at their disposal.”

The “race to 5G” and small cell wireless infrastructure deployment present new challenges and opportunities for cities. Unlike traditional cellular equipment, which is placed high up on single cell towers, small cell technology requires many equipment installations clustered closely together. Cities must balance the business interests of wireless providers eager to densify their networks with the management of increasingly crowded city streets and sidewalks.

Cities also face the threat of increasing preemption of their traditional authority from state and federal policies. Several states [including Texas] have recently passed legislation that severely limits what cities may charge for private sector use of public streets. The Federal Communications Commission and Congress are considering policy changes that would impose new unfunded mandates on cities in the form of radically shortened application timelines and additional limits on rental rates.

This guide serves to explain small cell infrastructure and related policy issues in clear terms so that city leaders can thoughtfully plan for small cell deployments in their communities. The guide profiles five U.S. cities and their diverse approaches to small cell wireless infrastructure deployment.

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