

**A RESOLUTION OF THE TOWNSHIP OF NORTH BRUNSWICK  
OPPOSING THE AMERICAN BROADBAND ACTION OF 2023 (HR 3557) WHICH  
WOULD PRE-EMPT LOCAL GOVERNMENT AUTHORITY OVER PROVIDERS FOR  
AREAS INCLUDING RIGHT-OF-WAY COMPENSATION, ZONING POWER,  
FRANCHISE AGREEMENTS AND PROPERTY RIGHTS**

**WHEREAS**, H.R. 3557, "American Broadband Act of 2023," was introduced with little notice and without full text on May 22, 2023, and was approved by the House Committee on Energy and Commerce, and ordered to be reported following markup only two days later on May 24, 2023; and

**WHEREAS**, prior to H.R. 3557's introduction, only a single hearing was held on the eventual contents, on April 19, 2023, before the House Communications Subcommittee, the testimony before which consisted exclusively of that from witnesses supportive of federal preemption and to which not a single state or local government representative was invited to testify; and

**WHEREAS**, H.R. 3557 would pre-empt local governments' rights-of-way compensation and management authority, zoning powers, cable franchising authority, and property rights; and

**WHEREAS**, the proposed bill would bestow on broadband providers an unprecedented federal grant of access to state and local public property, but impose no obligations on those providers to serve "unserved" and "underserved" Americans; and

**WHEREAS**, H.R. 3557 would mandate that siting decisions be "deemed granted" if not denied by a local government within 60 days, which is as little as 25% of the time the federal government gives itself to make identical decisions concerning access to federal property; and

**WHEREAS**, H.R. 3557 would make virtually any local government decision not to allow the installation of a proposed wireless facility at a provider's request a "prohibition" preempted by federal law, and would require local governments to draft and publicly release a written explanation for the decision to deny an application on the same day it votes on the decision-a virtually impossible task because such written decisions typically require the examination and analysis of evidence presented to local council; and

**WHEREAS**, the bill would substitute the FCC for the local federal district court as the reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions; and

**WHEREAS**, H.R. 3557 would also eliminate cable franchise renewals, thereby restricting the ability of state or local franchising authorities to enforce franchise obligations such as public, educational, and government channel capacity and facilities, customer service requirements, and system build-out requirements; and

**WHEREAS**, H.R. 3557 would affirmatively grant cable operators the right to use local rights-of-way to provide non-cable services while prohibiting localities from imposing any fees on non-cable services for use of those rights-of-way; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of North Brunswick opposes HR 3557 and urges the House and Senate not to pass this legislation.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Senate President, Vice President of the United States, Kamala Harris; Speaker of the House of Representatives, Senator Mike Johnson; Senator Cory Booker; Senator Bob Menendez; Representative Bonnie Watson Coleman; President of the United States Joseph R. Biden; and New Jersey State League of Municipalities.

\_\_\_\_\_  
 Justine Progebin  
 Business Administrator

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 Ronald Gordon, Esq.  
 Township Attorney  
 Approved as to legal form

**RECORDED VOTE:**

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MEHTA				
MAYOR WOMACK				

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on December 18, 2023.

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 Lisa Russo  
 Township Clerk