



General Assembly

January Session, 2001

***Raised Bill No. 6682***

LCO No. 3684

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

***AN ACT CONCERNING THE SITING OF TELECOMMUNICATIONS TOWERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-50i of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (a) "Facility" means: (1) An electric transmission line of a design  
4 capacity of sixty-nine kilovolts or more, including associated  
5 equipment but not including a transmission line tap, as defined in  
6 subsection (e) of this section; (2) a fuel transmission facility, except a  
7 gas transmission line having a design capability of less than two  
8 hundred pounds per square inch gauge pressure; (3) any electric  
9 generating or storage facility using any fuel, including nuclear  
10 materials, including associated equipment for furnishing electricity but  
11 not including an emergency generating device, as defined in  
12 subsection (f) of this section, or a facility (i) owned and operated by a  
13 private power producer, as defined in section 16-243b, (ii) which is a  
14 qualifying small power production facility or a qualifying  
15 cogeneration facility under the Public Utility Regulatory Policies Act of  
16 1978, as amended, or a facility determined by the council to be

17 primarily for a producer's own use, and (iii) which has, in the case of a  
18 facility utilizing renewable energy sources, a generating capacity of  
19 one megawatt of electricity or less and, in the case of a facility utilizing  
20 cogeneration technology, a generating capacity of twenty-five  
21 megawatts of electricity or less; (4) any electric substation or  
22 switchyard designed to change or regulate the voltage of electricity at  
23 sixty-nine kilovolts or more or to connect two or more electric circuits  
24 at such voltage, which substation or switchyard may have a substantial  
25 adverse environmental effect, as determined by the council established  
26 under section 16-50j, and other facilities which may have a substantial  
27 adverse environmental effect as the council may, by regulation,  
28 prescribe; (5) such community antenna television towers and head-end  
29 structures, including associated equipment, which may have a  
30 substantial adverse environmental effect, as said council shall, by  
31 regulation, prescribe; and (6) such telecommunication towers,  
32 including associated telecommunications equipment, owned or  
33 operated by the state, a public service company or a certified  
34 telecommunications provider or used in a cellular system, as defined  
35 in the Code of Federal Regulations Title 47, Part 22, as amended, or  
36 used in a personal communications services system, as defined in the  
37 Code of Federal Regulations Title 47, Part 24, as amended, which may  
38 have a substantial adverse environmental effect, as said council shall,  
39 by regulation, prescribe.

40 Sec. 2. Subsection (a) of section 16-50k of the general statutes is  
41 repealed and the following is substituted in lieu thereof:

42 (a) Except as provided in subsection (b) of section 16-50z, no person  
43 shall exercise any right of eminent domain in contemplation of,  
44 commence the preparation of the site for, or commence the  
45 construction or supplying of a facility, or any modification of a facility,  
46 that may, as determined by the council, have a substantial adverse  
47 environmental effect, in the state without having first obtained a  
48 certificate of environmental compatibility and public need, hereinafter  
49 referred to as a "certificate", issued with respect to such facility or

50 modification by the council, except fuel cells with a generating  
51 capacity of ten kilowatts or less which shall not require such certificate.  
52 Any facility with respect to which a certificate is required shall  
53 thereafter be built, maintained and operated in conformity with such  
54 certificate and any terms, limitations or conditions contained therein.  
55 Notwithstanding the provisions of this subsection, the council shall, in  
56 the exercise of its jurisdiction over the siting of generating facilities,  
57 approve by declaratory ruling (1) the construction of a facility solely  
58 for the purpose of generating electricity other than an electric  
59 generating facility that uses nuclear materials or coal as fuel, at a site  
60 where an electric generating facility operated prior to July 1, 1998, and  
61 (2) the construction or location of any fuel cell, unless the council finds  
62 a substantial adverse environmental effect. Notwithstanding the  
63 provisions of this subsection, the council shall, in the exercise of its  
64 jurisdiction over the siting of a telecommunications towers, as  
65 specified in subdivision (6) of subsection (a) of section 16-50i, as  
66 amended by this act, declare the relevant pending certification  
67 proceeding moot and approve by declaratory ruling the construction  
68 of such a tower when such tower has been deemed approved or to be  
69 in compliance with municipal regulations or a telecommunications  
70 plan of development by the site municipality, unless the council finds  
71 that the relevant pending proceeding is necessary because there is  
72 evidence that such tower may be unnecessary or may cause a  
73 substantial adverse environmental effect.

74 Sec. 3. Subsection (e) of section 16-50l of the general statutes is  
75 repealed and the following is substituted in lieu thereof:

76 (e) At least sixty days prior to the filing of any application with the  
77 council, the applicant shall consult with the municipality in which the  
78 facility may be located and with any other municipality required to be  
79 served with a copy of the application under subdivision (1) of  
80 subsection (b) of this section concerning the proposed and alternative  
81 sites of the facility. Such consultation with the municipality shall  
82 include, but not be limited to good faith efforts to meet with the chief

83 elected official of the municipality. At the time of the consultation, the  
84 applicant shall provide the chief elected official and the chairpersons of  
85 the zoning commission, planning commission, planning and zoning  
86 commission, conservation commission or inland wetland agency of  
87 each municipality in which any portion of a facility is to be located  
88 with any other technical reports concerning the public need, the site  
89 selection process and the environmental effects of the proposed  
90 facility. The municipality may conduct public hearings and meetings  
91 as it deems necessary for it to advise the applicant of its  
92 recommendations concerning the proposed facility. Within sixty days  
93 of the initial consultation, the municipality [shall] may develop a  
94 written record and issue its recommendations to the applicant. No  
95 later than fifteen days after submitting the application to the council,  
96 the applicant shall provide to the council all materials provided to the  
97 municipality and a summary of the consultations with the  
98 municipality including all recommendations issued by the  
99 municipality.

100 Sec. 4. Subsection (c) of section 16-50m of the general statutes is  
101 repealed and the following is substituted in lieu thereof:

102 (c) The council shall cause notices of the date and location of each  
103 hearing to be mailed, within one week of the fixing of the date and  
104 location, to the applicant and each person entitled under section 16-50l  
105 to receive a copy of the application or resolution, except that the  
106 council shall cause such notice to be mailed at least fifteen days prior  
107 to the hearing date to the zoning commission, planning commission,  
108 planning and zoning commission, conservation commission or inland  
109 wetland agency of each municipality in which any portion of a facility  
110 is to be located. The general notice to the public shall be published in  
111 not less than ten point, boldface type.

112 Sec. 5. Subsection (d) of section 16-50m of the general statutes is  
113 repealed and the following is substituted in lieu thereof:

114 (d) Hearings, including general hearings on issues which may be

115 common to more than one application, may be held before [a majority  
116 of the] three or more members of the council.

117 Sec. 6. Subsection (a) of section 16-50n of the general statutes is  
118 repealed and the following is substituted in lieu thereof:

119 (a) The parties to a certification or amendment proceeding or to a  
120 declaratory ruling proceeding shall include: (1) The applicant,  
121 certificate holder, or petitioner; (2) each person entitled to receive a  
122 copy of the application or resolution under section 16-50l, if such  
123 person has filed with the council a notice of intent to be a party; (3) any  
124 domestic or qualified nonprofit corporation or association formed in  
125 whole or in part to promote conservation or natural beauty, to protect  
126 the environment, personal health or biological values, to preserve  
127 historical sites, to promote consumer interests, to represent commercial  
128 and industrial groups or to promote the orderly development of the  
129 areas in which the facility is to be located, if it has filed with the  
130 council a notice of intent to be a party; [and] (4) the zoning  
131 commission, planning commission, planning and zoning commission,  
132 conservation commission or inland wetland agency of each  
133 municipality in which any portion of a facility is to be located, unless  
134 such local bodies decline to participate as parties to the proceeding;  
135 and (5) such other persons as the council may at any time deem  
136 appropriate.

137 Sec. 7. Subsection (d) of section 16-50x of the general statutes is  
138 repealed and the following is substituted in lieu thereof:

139 (d) Any town, city or borough zoning commission and inland  
140 wetland agency may regulate and restrict the proposed location of a  
141 facility, as defined in subdivisions (3), [and] (4) and (6) of subsection  
142 (a) of section 16-50i, as amended by this act. Such local bodies may  
143 apply standards developed by town ordinances, regulations or a plan  
144 of development created in accordance with section 8-35a, and make all  
145 orders necessary to the exercise of such power to regulate and restrict,  
146 which orders shall be in writing and recorded in the records of their

147 respective communities, and written notice of any order shall be given  
148 to each party affected thereby. Such a local body shall make any such  
149 order (1) not more than sixty-five days after an application has been  
150 filed with the council for the siting of a facility described in  
151 subdivision (3) of subsection (a) of section 16-50i, or (2) not more than  
152 thirty days after an application has been filed with the council for the  
153 siting of a facility described in subdivision (4) of subsection (a) of  
154 section 16-50i. Each such order shall be subject to the right of appeal  
155 within thirty days after the giving of such notice by any municipality  
156 required to be served with a copy of the application under subdivision  
157 (1) of subsection (b) of section 16-50l or by any party aggrieved to the  
158 council, which shall have jurisdiction, in the course of any proceeding  
159 on an application for a certificate or otherwise, to affirm, modify or  
160 revoke such order or make any order in substitution thereof by a vote  
161 of six members of the council. The application to such a local body  
162 shall be the same application filed with the council. The applicant shall  
163 file the application with such a local body at the same time the  
164 application is filed with the council.

165 Sec. 8. (NEW) The Connecticut Siting Council shall maintain a  
166 telecommunications tower database that includes the location, type  
167 and height of all telecommunications towers in the state. Said database  
168 shall be available for inspection by the public. The council shall supply  
169 any information contained in the database to a municipality, upon  
170 request, for the purpose of the tax assessment of telecommunications  
171 facilities in such town. A municipality may develop, in consultation  
172 with the council, a comprehensive telecommunications plan of  
173 development for towers, in consultation with the council, using said  
174 database and any other available council resources. Such plan may  
175 include the mapping of all existing telecommunications towers, radio  
176 frequency propagation modeling of existing coverage, hypothetical  
177 coverage from alternative sites and identification of sensitive areas for  
178 restrictive use.

**Statement of Purpose:**

To provide municipalities with a heightened intervenor status for the siting of telecommunications towers.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*