



AN ACT CONCERNING SHARED JURISDICTIONS OVER THE SITING OF TELECOMMUNICATIONS TOWERS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in sections 1 to
2 5, inclusive, and sections 7 and 8 of this act, subsection (f) of section 8-
3 7d of the general statutes, as amended by this act, section 16-50i of the
4 general statutes, as amended by this act, and subsection (d) of section
5 16-50t of the general statutes, as amended by this act, "personal
6 wireless services" means personal wireless services, as defined in 47
7 USC 332(c)(7), as amended, and "telecommunications tower" means a
8 structure, free-standing or attached to a building or another structure,
9 that (1) has a height greater than its diameter, (2) rises above its
10 surroundings, and (3) is used principally to support one or more
11 antennas for (A) sending or receiving signals to or from satellites, (B)
12 receiving or sending radio frequency signals, and (C) personal wireless
13 services.

14 (b) The zoning commission of each municipality may regulate, as
15 part of the zoning regulations adopted under section 8-2 of the general
16 statutes or under any special act, the siting of telecommunications
17 towers, provided the regulations adopted pursuant to this section are
18 adopted on or before February 1, 2003, and are in compliance with 47
19 USC 332(c)(7), as amended, and any regulations adopted pursuant to
20 said 47 USC 332(c)(7). Such zoning regulations shall be in addition to

21 the zoning requirements, standards and criteria adopted pursuant to
22 section 8-2 of the general statutes. Regulations adopted pursuant to
23 this section shall be effective February 1, 2003.

24 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding the
25 provisions of section 16-50i of the general statutes, as amended by this
26 act, the Connecticut Siting Council shall not have jurisdiction after
27 February 1, 2003, over the siting of telecommunications towers
28 proposed to be located in a municipality if such municipality adopts
29 zoning regulations pursuant to section 1 of this act on or before
30 February 1, 2003.

31 (b) Notwithstanding the provisions of this section and section 16-50i
32 of the general statutes, as amended by this act, the Connecticut Siting
33 Council shall not have jurisdiction over the siting of
34 telecommunications towers in any municipality whose zoning
35 commission adopted regulations that specifically addressed
36 telecommunications towers pursuant to section 8-2 of the general
37 statutes on or before the effective date of this act.

38 Sec. 3. (NEW) (*Effective from passage*) (a) The chief elected official of
39 each municipality shall file, annually, with the Connecticut Siting
40 Council, electronically or otherwise, a report containing the location,
41 type and height of each existing and proposed telecommunications
42 tower in such municipality.

43 (b) On or before December 1, 2002, the Connecticut Siting Council
44 shall develop, maintain and update monthly a state-wide
45 telecommunications coverage database that includes the location, type
46 and height of all telecommunications towers in the state, as well as
47 those towers specified in subdivision (6) of subsection (a) of section 16-
48 50i of the general statutes, as amended by this act. Such database shall
49 be available for inspection by the public in hard copy and shall be
50 accessible electronically by means of the Internet or other media
51 systems available to the public. Upon request of a municipality, the
52 council shall supply any information contained in the database to the

53 municipality.

54 (c) On or before July 1, 2003, the Connecticut Siting Council shall
55 develop a plan for state-wide telecommunications coverage and
56 annually shall review and revise such plan as necessary. The plan shall
57 be consistent with the federal Telecommunications Act of 1996, as
58 amended, and with the tower sharing provisions of section 16-50aa of
59 the general statutes. The plan shall contain information on population
60 growth in the state and an analysis of existing and projected demands
61 for telecommunications coverage. On or before October 1, 2003, the
62 Connecticut Siting Council shall supply all information contained in
63 such plan concerning a municipality and its abutting or adjoining
64 municipalities to each municipality that adopts zoning regulations
65 pursuant to section 1 of this act.

66 (d) On or before April 1, 2004, each municipality that adopts zoning
67 regulations pursuant to section 1 of this act shall develop a municipal
68 telecommunications coverage plan. Such plan shall consider the
69 information provided to the municipality pursuant to subsection (c) of
70 this section, and shall include the mapping of all existing
71 telecommunications towers, radio frequency propagation modeling of
72 existing coverage, hypothetical coverage from alternative sites, and
73 identification of sensitive areas for restrictive use. The plan may
74 delineate one or more areas of the municipality within which
75 applications for the siting of telecommunications towers that meet pre-
76 established criteria shall receive accelerated approval. Such plan shall
77 be consistent with (1) 47 USC 332(c)(7), as amended, and any
78 regulations adopted pursuant to said USC 332(c)(7), (2) the Code of
79 Federal Regulations Title 47, Part 22, as amended, (3) tower sharing
80 provisions of section 16-50aa of the general statutes, and (4) the state-
81 wide telecommunications coverage plan adopted by the Connecticut
82 Siting Council pursuant to subsection (c) of this section. At the request
83 of a municipality, the Connecticut Siting Council shall provide
84 technical assistance to the municipality in preparing a plan under this
85 subsection.

86 Sec. 4. (NEW) (*Effective from passage*) (a) An applicant that proposes
87 to locate a telecommunications tower in a municipality that has
88 adopted regulations pursuant to section 1 of this act shall first submit
89 its application for such telecommunications tower to the Connecticut
90 Siting Council for an evaluation of public need for such tower.
91 Jurisdiction of the Connecticut Siting Council over such application
92 shall be limited to the issuance of an opinion of public need for such
93 tower.

94 (b) The Connecticut Siting Council shall complete an evaluation of
95 public need not more than thirty days after submission of an
96 application. A copy of the opinion shall be sent by the council by
97 certified mail, return receipt requested, to the applicant and the
98 municipality in which the proposed tower is to be located. An
99 applicant may submit an application to locate a telecommunications
100 tower to the municipality only if the Connecticut Siting Council issues
101 an opinion of public need for such telecommunications tower. If the
102 opinion of the council is that there is no public need, the applicant may
103 not submit the application to the municipality. If the opinion of the
104 Connecticut Siting Council states there is a public need for the
105 proposed telecommunications tower, such opinion shall not constitute
106 approval of such application.

107 (c) Any applicant aggrieved by an opinion of the Connecticut Siting
108 Council under this section may take an appeal in accordance with
109 section 4-183 of the general statutes to the judicial district for the
110 municipality in which the telecommunications tower is proposed to be
111 located. If the court finds for the applicant, the applicant may submit
112 an application to locate the telecommunications tower to the
113 municipality along with a copy of the decision of the court.

114 Sec. 5. (NEW) (*Effective from passage*) (a) An application for siting of a
115 telecommunications tower shall be approved by a municipality's
116 zoning commission if such application is consistent with (1) the
117 municipal telecommunications coverage plan, developed pursuant to
118 section 3 of this act, (2) the zoning regulations of the municipality

119 adopted pursuant to section 1 of this act, and (3) the provisions of 47
120 USC 332(c)(7), as amended.

121 (b) The Connecticut Siting Council shall be a party in any
122 proceeding on an application to a municipality for the siting of a
123 telecommunications tower.

124 (c) Any approval by a zoning commission of an application under
125 regulations adopted pursuant to section 1 of this act shall be rendered
126 in accordance with and subject to the provisions of chapter 124 of the
127 general statutes, except that, notwithstanding the provisions of section
128 8-8 of the general statutes, as amended, an appeal shall be limited to
129 whether (1) the municipality has a telecommunications coverage plan
130 pursuant to section 3 of this act, and (2) the decision is consistent with
131 47 USC 332(c)(7), as amended, and any regulations adopted pursuant
132 to USC 332(c)(7). The aggrieved party shall have the burden of proof in
133 any such appeal.

134 (d) Notwithstanding the provisions of this section, a municipality
135 that adopts zoning regulations pursuant to section 1 of this act but fails
136 to develop a municipal telecommunications coverage plan pursuant to
137 section 3 of this act shall have the burden of proof in any appeal.

138 Sec. 6. Section 8-7d of the general statutes is amended by adding
139 subsection (f) as follows (*Effective from passage*):

140 (NEW) (f) Notwithstanding the provisions of this section, if an
141 application involves the siting of a telecommunications tower pursuant
142 to regulations adopted under section 1 of this act, any hearing on such
143 application shall commence not later than thirty-five days after receipt
144 of such application, and shall be completed not later than thirty days
145 after such hearing commences. Any decision on such application shall
146 be rendered not later than one hundred fifty days after receipt of such
147 application. The provisions of this subsection shall not be construed to
148 apply to any extension consented to by an applicant.

149 Sec. 7. (NEW) (*Effective from passage*) The Connecticut Siting Council

150 shall develop, maintain and provide a training and education program
151 in cellular system issues and personal wireless service issues for
152 municipal officials and employees. The Connecticut Siting Council
153 shall provide such program to municipalities without fee.

154 Sec. 8. (NEW) (*Effective from passage*) The Connecticut Siting Council
155 shall be a party in any court proceeding concerning a decision by a
156 zoning commission on the siting of telecommunications towers in
157 accordance with zoning regulations adopted under section 1 of this act.

158 Sec. 9. Subsection (a) of section 16-50i of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective from*
160 *passage*):

161 (a) "Facility" means: (1) An electric transmission line of a design
162 capacity of sixty-nine kilovolts or more, including associated
163 equipment but not including a transmission line tap, as defined in
164 subsection (e) of this section; (2) a fuel transmission facility, except a
165 gas transmission line having a design capability of less than two
166 hundred pounds per square inch gauge pressure; (3) any electric
167 generating or storage facility using any fuel, including nuclear
168 materials, including associated equipment for furnishing electricity but
169 not including an emergency generating device, as defined in
170 subsection (f) of this section or a facility (i) owned and operated by a
171 private power producer, as defined in section 16-243b, (ii) which is a
172 qualifying small power production facility or a qualifying
173 cogeneration facility under the Public Utility Regulatory Policies Act of
174 1978, as amended, or a facility determined by the council to be
175 primarily for a producer's own use, and (iii) which has, in the case of a
176 facility utilizing renewable energy sources, a generating capacity of
177 one megawatt of electricity or less and, in the case of a facility utilizing
178 cogeneration technology, a generating capacity of twenty-five
179 megawatts of electricity or less; (4) any electric substation or
180 switchyard designed to change or regulate the voltage of electricity at
181 sixty-nine kilovolts or more or to connect two or more electric circuits
182 at such voltage, which substation or switchyard may have a substantial

183 adverse environmental effect, as determined by the council established
184 under section 16-50j, and other facilities which may have a substantial
185 adverse environmental effect as the council may, by regulation,
186 prescribe; (5) such community antenna television towers and head-end
187 structures, including associated equipment, which may have a
188 substantial adverse environmental effect, as said council shall, by
189 regulation, prescribe; and (6) such telecommunication towers,
190 including associated telecommunications equipment [] (A) owned or
191 operated by the state, a public service company or a certified
192 telecommunications provider, (B) on or before February 1, 2003, used
193 in a cellular system, as defined in the Code of Federal Regulations Title
194 47, Part 22, as amended, other than personal communication services,
195 as described in 47 USC 153(1)(c), except as provided for in section 2 of
196 this act, and (C) after February 1, 2003, used to provide personal
197 wireless service, as defined in 47 USC 332(c)(7), as amended, except
198 where the zoning commission in which such tower is to be sited has
199 adopted regulations pursuant to section 1 of this act, or used in a
200 cellular system, as defined in the Code of Federal Regulations Title 47,
201 Part 22, as amended, which may have a substantial adverse
202 environmental effect, as said council shall, by regulation, prescribe.

203 Sec. 10. Section 16-50t of the general statutes is amended by adding
204 subsection (d) as follows (*Effective from passage*):

205 (NEW) (d) The Connecticut Siting Council may adopt regulations,
206 in accordance with the provisions of chapter 54, to prescribe fees in an
207 amount sufficient to cover the reasonable cost of (1) preparation and
208 maintenance of the telecommunications coverage database and the
209 statewide telecommunications coverage plan, and provision of
210 technical assistance to municipalities, as required under section 3 of
211 this act, (2) evaluation of public need for applications and activities in
212 any court proceedings under section 4 of this act, (3) participation as a
213 party in local zoning matters under section 5 of this act, (4) provision
214 of training and education services under section 7 of this act, and (5)
215 activities in court proceedings under section 8 of this act.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>

Statement of Legislative Commissioners:

In subsection (a) of section 1 and subsection (c) of section 5, changes were made in subdivision designators for consistency with customary statutory usage.

PD *Joint Favorable Subst.-LCO*