
OLR Bill Analysis

sSB 888

AN ACT CONCERNING WIRELESS BROADBAND.

SUMMARY:

This bill (1) modifies how the Siting Council evaluates applications to build or modify cell phone towers, (2) establishes a new condition when the council may deny an application to build or modify certain cell phone or cable TV towers, and (3) facilitates the siting of telecommunication towers and related facilities on certain watershed lands.

EFFECTIVE DATE: July 1, 2013

TOWER APPLICATIONS

By law, a Siting Council certificate is required to build or modify a variety of energy and telecommunications facilities. Generally, the council can grant a certificate only if it finds that there is a public need for the facility and that this need outweighs the environmental harm the facility may cause.

The bill establishes a presumption, in the case of cell phone tower certificate applications, that there is a public need for personal wireless (e.g., cell phone) services. It limits the council's consideration of need to the specific need for the proposed tower to provide these services.

CERTIFICATE DENIALS

By law, the council can deny an application for a cell phone or cable TV tower for several reasons. The bill additionally allows the council, in the case of a proposed tower owned or operated by the state, to deny an application if no public safety concerns require that it be constructed in the proposed location.

TOWERS IN WATERSHED LANDS

By law, (1) a private or public water utility needs a Department of Public Health (DPH) permit to lease or otherwise dispose of or change the use of any of its watershed lands and (2) there are restrictions on the circumstances under which DPH can issue these permits. The bill provides that these restrictions do not preclude a lease or change in use of such land to allow for telecommunications towers, ancillary equipment, or related access drives and utilities. This provision already applies with regard to telecommunications antennas on existing structures and radio towers.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/07/2013)