



RECENT LEGISLATION ON CELL TOWER SITING

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JURISDICTION AND LIMITS

Generally, the Connecticut Siting Council has jurisdiction over the construction, maintenance, and operation of telecommunication towers (i.e., cell towers) ([CGS § 16-50i\(a\)\(6\)](#)).

However, federal law limits state and local government review of proposed cell tower projects by limiting the (1) information state and local entities may request from project developers, (2) timeframe for making a determination, and (3) conditions for approval and denial.

Most states do not have a statewide council and instead delegate to municipalities the responsibility for approving requests from cell tower project developers.

ISSUE

This report describes bills and public acts related to cell tower siting that the Connecticut General Assembly considered between 2010 and 2015.

SUMMARY

Since 2010, Connecticut has passed three public acts that affect the Siting Council's and project developers' duties and responsibilities regarding cell tower projects and the municipalities in which they are sited. [PA 15-186](#) requires cell tower developers to pay all administrative expenses associated with public information meetings held by municipalities potentially affected by the tower's location. Among other things, [PA 13-298](#) established a presumption that there is a need for cell phone services, which effectively limits the council's review to the specific need for the proposed tower to provide these services. [PA 12-165](#), among other things, expanded the scope of developers' required consultations with affected municipalities and prohibited projects near schools and daycare centers unless they meet certain criteria. We also found seven other bills considered on this topic since 2010, one of which passed but was vetoed ([PA 11-107](#)).



RECENT PUBLIC ACTS

Public Information Meetings

[PA 15-186](#) requires cell tower developers to pay all administrative expenses associated with public information meetings held by municipalities that would be potentially affected by the location of a tower. By law, at least 90 days before filing an application with the Siting Council to approve a tower's location, the developer must consult with any (1) municipality identified as the primary or alternate location of a proposed tower and (2) adjoining municipality within 2,500 feet of the tower. A consulted municipality may hold a public information meeting on the proposed tower within 60 days after the consultation. By law, developers must cooperate with the municipality holding the meeting. The full Public Act Summary is available [here](#).

Presumption of Need

Among other things, [PA 13-298](#) 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. This presumption limits the council's consideration of need to the specific need for the proposed tower to provide these services.

By law, the council must consider a proposed facility's environmental and public health impacts in determining whether to grant a certificate. For proposals involving new ground mounted cellphone towers to be installed on land owned by a water company, the act requires the council to consult with the Department of Public Health (DPH) to consider potential public health impacts to public drinking water supplies as part of this review.

By law, the council can deny an application for a cell phone or cable TV tower for several reasons. The act 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. The full Public Act Summary is available [here \(see §§ 61, 62\)](#).

Schools, Daycares, and Municipal Consultations

[PA 12-165](#) requires telecommunications tower developers to consult with municipalities that may be affected by the location of a tower at least 90, rather than 60, days before applying to the Siting Council for a certificate approving the location. It also expands the scope of this consultation.

It prohibits the council from approving a telecommunications tower's installation within 250 feet of a school or commercial child day care center unless the (1)

municipality's chief elected official approves the location or (2) council finds that it will not have a substantial adverse effect on the aesthetics or scenic quality of the school or day care center's neighborhood. The act specifies that the council's decision must be consistent with federal law and regulations when applying these criteria.

The act (1) expanded the factors the council must consider when approving cable TV or telecommunications towers and equipment and (2) allows the council to request the attorney general to bring a civil suit under certain circumstances.

It also (1) allows the council to consider regional location preferences from municipalities neighboring the municipality subject to a siting certification, and (2) modified how municipalities are reimbursed from the municipal participation account for participating in council proceedings. The full Public Act Summary is available [here](#).

OTHER CONSIDERED LEGISLATION

In addition to the above three public acts, the legislature has considered seven other raised or committee bills regarding cell tower siting since 2010. Table 1 shows these bills, including their relevant provisions and final status.

Table 1: Cell Tower Siting Bills (2010-2015)

Year	Bill	Relevant Provisions	Status
2015	sSB 568	<ul style="list-style-type: none"> See above for description 	Passed as PA 15-186
2014	sSB 312	<ul style="list-style-type: none"> Establishes a Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee to develop a plan to preserve and protect the sound Includes a member of the Siting Council on that committee Requires the council to consider the plan when reviewing applications for certifications 	Senate amended and passed, House took no action
2013	sHB 6360	<ul style="list-style-type: none"> See above for description 	Passed as PA 13-298
	sSB 888	<ul style="list-style-type: none"> 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 Limits the council's consideration of need to the specific need for the proposed tower to provide these services 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 	Recommitted by the Senate to the Energy and Technology Committee (some provisions were later included in PA 13-298)
2012	sHB 5271	<ul style="list-style-type: none"> See above for description 	Passed as PA 12-165

Table 1 (continued)

Year	Bill	Relevant Provisions	Status
2011	sHB 6250	<ul style="list-style-type: none"> • Requires cell tower developers to begin consulting with potentially affected municipalities 90, rather than 60, days before applying for a council certificate, and expands the scope of this consultation • Limits the circumstances in which the council can approve a tower proposed for installation near a school or commercial day care center • Expands the factors the council must consider in granting a certificate for a cell tower to include the manufacturer's recommended safety standards for any equipment, machinery, or technology • Requires the council to examine the latest facility design options intended to minimize aesthetic and environmental impacts • Requires the council to consider neighborhood concerns regarding the factors it must already take into account, including public safety 	Passed as PA 11-107 , then vetoed by the governor (many provisions were included in PA 12-165)
2010	HB 5121 , SB 415	<ul style="list-style-type: none"> • Requires applicants to the Siting Council to negotiate the terms of a community environmental benefit agreement with a town's chief elected official when applying to construct or expand a facility in an environmental justice community 	HB 5121 : public hearing in Environment Committee, but no further action SB 415 : public hearing in Energy and Technology Committee, but no further action
	sHB 5213	<ul style="list-style-type: none"> • Requires developers to provide municipalities with maps showing the area of need for the proposed facility • Allows municipalities to include alternative sites with their recommendations to the developer • Requires the council to consider any alternative site proposed by municipalities • Requires the council, when issuing a certificate for cell phone towers, to examine the latest technological options designed to minimize aesthetic and environmental impacts • Allows the council to consider regional location preferences from neighboring municipalities 	House amended and passed, Senate took no action
	SB 461	<ul style="list-style-type: none"> • Requires the council to consider the latest technological options designed to minimize aesthetic and environmental impacts • Allows the Siting Council to consider regional location preferences from neighboring communities 	Public hearing in Energy and Technology Committee, but no further action

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