



**House Bill No. 7152**

**Public Act No. 19-163**

**AN ACT ACCELERATING THE DEPLOYMENT OF 5G WIRELESS FACILITIES.**

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

Section 1. (NEW) (*Effective July 1, 2019*) (a) As used in this section:

(1) "Council" means the Council on 5G Technology established in subsection (b) of this section;

(2) "Department of Energy and Environmental Protection property" means any improved or unimproved real property owned by the Department of Energy and Environmental Protection or subject to an interest in such property owned by said department;

(3) "Department of Transportation public right-of-way property" means any improved or unimproved real property owned by the Department of Transportation that is not a railroad, excess property or associated structures;

(4) "Highway" has the same meaning as provided in section 14-1 of the general statutes;

(5) "Interested person" means a person, as defined in section 3-56a of the general statutes, who owns land in the state that (A) abuts state

**House Bill No. 7152**

real property, and (B) is within a distance determined by the council in the guidelines adopted pursuant to subsection (c) of this section from the proposed personal wireless service facility or small wireless facility that the council is reviewing pursuant to a request made pursuant to subsection (d) of this section;

(6) "Permitted entity" means a communication infrastructure provider, including, but not limited to, a person authorized to provide communication service in the state, who builds or installs personal wireless service facilities and small wireless facilities and is not a wireless carrier;

(7) "Personal wireless service facilities" has the same meaning as provided in 47 USC 332(c)(7), as amended from time to time;

(8) "Small wireless facilities" has the same meaning as provided in 47 CFR 1.6002, as amended from time to time;

(9) "State real properties" has the same meaning as provided in section 4-67g of the general statutes, except it does not include any (A) Department of Energy and Environmental Protection property, (B) Department of Transportation public right-of-way property, (C) improved or unimproved real property owned by the judicial branch, or (D) improved or unimproved real property owned by the legislative branch; and

(10) "Wireless carrier" means a provider of personal wireless services as defined in 47 USC 332(c)(7).

(b) There shall be a Council on 5G Technology. The council shall consist of the following members or their designees: (1) One employee of the office of the Governor, designated by the Governor; (2) the Secretary of the Office of Policy and Management; (3) the Commissioner of Administrative Services; (4) the Commissioner of Transportation; (5) the Commissioner of Energy and Environmental

**House Bill No. 7152**

Protection; (6) the president of The University of Connecticut; and (7) the president of the Connecticut State Colleges and Universities.

(c) The council shall adopt guidelines for (1) its operations; and (2) the determinations it makes pursuant to subdivision (2) of subsection (d) of this section, which shall include, but not be limited to, guidelines concerning the safe placement of personal wireless service facilities and small wireless facilities, the protection of open space land when reviewing for use of state real properties submitted in accordance with subdivision (1) of subsection (d) of this section and extensions of time for a determination by the council. The adoption of such guidelines shall not be subject to chapter 54 of the general statutes.

(d) (1) A wireless carrier or permitted entity may request to use state real properties for the placement, construction, maintenance and operation of personal wireless service facilities and small wireless facilities in accordance with this subsection. A request for the use of state real properties shall be submitted to the council using the common form developed pursuant to subsection (g) of this section.

(2) (A) The council shall accept and review requests from wireless carriers or permitted entities for the use of state real properties for the placement, construction, maintenance and operation of personal wireless service facilities and small wireless facilities made using the common form or forms developed pursuant to subsection (g) of this section.

(B) (i) The council shall accept and review comments from any state agency affected by such request and any interested person. In evaluating such requests, the council shall perform due diligence for the portion of each state real property that is the subject of a request, which shall include, but not be limited to, the consideration and assessment of public health and safety effects, state bonding implications and environmental concerns.

**House Bill No. 7152**

(ii) The Department of Energy and Environmental Protection shall submit comments regarding environmental concerns regarding requests for the use of state real properties for the placement of personal wireless service facilities.

(C) After reviewing any comments submitted from a state agency and any interested person and conducting due diligence, the council shall determine, in accordance with any Federal Communications Commission regulations, rulings or orders, whether a state real property may be used by wireless carriers or permitted entities for the placement, construction, maintenance and operation of personal wireless service facilities or small wireless facilities. In making such determination, the council shall give preference to requests that include the collocation of personal wireless service facilities or small wireless facilities with other wireless carriers or permitted entities. Such determinations shall be made within ninety days of a request by a majority vote of the council, except if the council has determined an extension of time is necessary, pursuant to the guidelines adopted pursuant to subsection (c) of this section.

(D) After the council makes a determination to approve a request pursuant to subparagraph (C) of this subdivision, the council shall submit such approved request as follows: (i) For requests to use state real properties owned by The University of Connecticut, to the president of the University of Connecticut; (ii) for requests to use state real properties owned by the Department of Transportation, to the Commissioner of Transportation; and (iii) for requests to use state real properties not included in clause (i) or (ii) of this subparagraph, to the Commissioner of Administrative Services.

(3) (A) Not later than thirty days after the receipt of the approved request pursuant to subparagraph (D) of subdivision (2) of this subsection, the president of The University of Connecticut shall use the Telecommunications License Agreement, forms and fee structure

**House Bill No. 7152**

developed pursuant to subsection (g) of this section to execute a license agreement with the wireless carrier or permitted entity that submitted the approved request, provided any such agreement shall be approved by the Secretary of the Office of Policy and Management and the Attorney General. The president shall administer any license agreement executed pursuant to this subparagraph.

(B) Not later than thirty days after the receipt of the approved request pursuant to subparagraph (D) of subdivision (2) of this subsection, the Commissioner of Transportation shall use the Telecommunications License Agreement, forms and fee structure developed pursuant to subsection (g) of this section to execute a license agreement with the wireless carrier or permitted entity that submitted the approved request, provided any such agreement shall be approved by the Secretary of the Office of Policy and Management and the Attorney General. Said commissioner shall administer any license agreement executed pursuant to this subparagraph.

(C) Not later than thirty days after the receipt of the approved request pursuant to subparagraph (D) of subdivision (2) of this subsection, the Commissioner of Administrative Services shall use the Telecommunications License Agreement, forms and fee structure developed pursuant to subsection (g) of this section to execute a license agreement with the wireless carrier or permitted entity that submitted the approved request, provided any such agreement shall be approved by the Secretary of the Office of Policy and Management and the Attorney General. Said commissioner shall administer any license agreement executed pursuant to this subparagraph.

(e) (1) A wireless carrier or permitted entity may request to use Department of Energy and Environmental Protection property for the placement, construction, maintenance and operation of small wireless facilities in accordance with this subsection. Such requests shall be made to the Commissioner of Energy and Environmental Protection

**House Bill No. 7152**

using the common form developed pursuant to subsection (g) of this section.

(2) The Department of Energy and Environmental Protection shall develop a policy for the placement, construction, maintenance and operation of small wireless facilities on Department of Energy and Environmental Protection property. The development of such policy shall not be subject to chapter 54 of the general statutes. Any request made pursuant to this subsection shall comply with such policy and shall be reviewed by said department in accordance with such policy within ninety days, unless the department determines that an extension of time is necessary. If the department approves a request, the Commissioner of Energy and Environmental Protection shall use the Telecommunications License Agreement, forms and fee structure developed pursuant to subsection (g) of this section to execute a license agreement with the wireless carrier or permitted entity that submitted the approved request within thirty days of such approval, provided any such agreement shall be approved by the Secretary of the Office of Policy and Management and the Attorney General. Said commissioner shall administer any license agreement executed pursuant to this subparagraph. Nothing in this subdivision shall be deemed to require the Department of Energy and Environmental Protection to make Department of Energy and Environmental Protection property available for the siting of personal wireless service facilities.

(f) (1) A wireless carrier or permitted entity may request to use Department of Transportation public right-of-way property for the placement, construction, maintenance and operation of small wireless facilities in accordance with this subsection.

(2) The Department of Transportation shall make highways and Department of Transportation public rights-of-way available for placement, construction, maintenance and operation of small wireless facilities in accordance with any applicable Federal Communications

**House Bill No. 7152**

Commission regulations, rulings or orders. Any request made pursuant to this subsection shall be administered by said department and shall be consistent with, to the extent applicable, the department's policy, as amended from time to time, regarding the installation of new utility facilities on any state or interstate highway, the American Association of State Highway and Transportation Officials' Policy on the Accommodation of Utilities on Freeway Rights-of-Way and any regulations or policies adopted by the Federal Highway Administration. Nothing in this subdivision shall be deemed to require the department to make structures over the traveled portion of a limited access state highway available for placement, construction, maintenance and operation of small wireless facilities.

(g) On or before November 1, 2019, the Office of Policy and Management, the Department of Energy and Environmental Protection, the Department of Administrative Services and the Department of Transportation shall jointly develop: (1) One or more Telecommunication License Agreements that shall govern (A) the placement of personal wireless service facilities and small wireless facilities on state real properties, buildings, structures or any other property owned by the state, (B) the placement of small wireless facilities on highways and Department of Transportation public right-of-way property; (2) a common form or set of forms for requests made pursuant to subsections (d), (e) and (f) of this section; and (3) a fee structure for requests made pursuant to subsections (d), (e) and (f) of this section. Any Telecommunication License Agreement developed pursuant to this subsection shall be subject to approval by the Attorney General prior to being used pursuant to this section.

(h) At the time it submits its first request and every two years thereafter, any wireless carrier or permitted entity that submits or has submitted a request for the use of state real property pursuant to subsection (d) of this section, if such wireless carrier or permitted

**House Bill No. 7152**

entity anticipates making another request in the next two calendar years, shall submit to the council such wireless carrier's or permitted entity's master plan or equivalent plan for personal wireless service facilities and small wireless facilities. Any master plan or equivalent plan submitted pursuant to this section may be used by the council in the administration of this section and shall be deemed a trade secret and exempt from public disclosure pursuant to section 1-210 of the general statutes, and shall be marked as such by the council.

(i) Nothing in this section shall be construed to prohibit a wireless carrier or permitted entity from requesting the use of property owned by the state that is not subject to this section for the installation of personal wireless service facilities or small wireless facilities. Such request shall be made to the state agency that owns such property. Any agency that receives a request pursuant to this subsection shall grant or reject such request not later than ninety days after receiving such request.

(j) Nothing in this section shall be construed to supersede any existing rules and requirements that require the review and approval of permits for proposed personal wireless service facilities that are subject to the jurisdiction of the Connecticut Siting Council and the Public Utilities Regulatory Authority.

Sec. 2. (NEW) (*Effective July 1, 2019*) (a) The Office of Policy and Management, in consultation with the Public Utilities Regulatory Authority, the Office of Consumer Counsel, the State Broadband Office and the Connecticut Siting Council, shall work with municipalities and representatives of the wireless industry to encourage the establishment of streamlined processes for siting small wireless facilities on municipal property, in accordance with any applicable Federal Communications Commission rules, regulations or orders. For purposes of this section, "small wireless facilities" has the same meaning as provided in 47 CFR 1.6002, as amended from time to time,



***House Bill No. 7152***

and "municipal property" means property owned by a municipality, municipal public rights-of-way and buildings, structures and easements owned by municipalities, and does not include real and personal property of a public service company as defined in section 16-1 of the general statutes.

(b) Not later than January 30, 2020, the Secretary of the Office of Policy and Management, in accordance with section 11-4a of the general statutes, shall make recommendations concerning the establishment of streamlined processes for siting small wireless facilities on municipal property to the joint standing committee of the General Assembly having cognizance of matters relating to energy and technology.

Approved July 9, 2019