
OLR Bill Analysis

HB 7152

AN ACT ACCELERATING THE DEPLOYMENT OF 5G WIRELESS FACILITIES.

SUMMARY

This bill establishes a Council on 5G Technology and tasks it with (1) reviewing wireless carriers' requests to place personal wireless service facilities and small wireless facilities, as defined in federal law (see BACKGROUND), on state-owned real property and (2) determining which state-owned properties may be made available to the wireless carriers for these facilities.

Among other things, the bill requires the council to (1) adopt guidelines for safely placing personal wireless service facilities and protecting open space land and (2) perform due diligence and review comments from any entities that own property within a 500-foot radius of any state-owned real property under the council's review.

The bill requires the Office of Policy and Management (OPM) to jointly develop, with certain other state agencies, licensing agreements, forms, and fee structures for placing the wireless facilities on state-owned property. The bill also specifies that it does not supersede existing rules and requirements requiring the review and approval of permits for proposed personal wireless service facilities under the Public Utilities Regulatory Authority's (PURA) and the Connecticut Siting Council's jurisdiction.

Lastly, the bill requires OPM, in consultation with PURA and the Siting Council, to work with municipalities to establish a process for siting small wireless facilities on municipal property and, when using utility or light poles is insufficient, private property with the property owner's permission.

EFFECTIVE DATE: July 1, 2019

COUNCIL ON 5G TECHNOLOGY

The bill establishes the Council on 5G Technology, which consists of the following people, or their designees: (1) an employee from the governor's office, designated by the governor; (2) the OPM secretary; and (3) the commissioners of the Department of Administrative Services (DAS), Department of Transportation (DOT), and Department of Energy and Environmental Protection (DEEP).

Wireless Carrier Requests to Use State Property

The bill requires the council to accept and review requests from wireless carriers to use state real properties (i.e., any improved or unimproved real property owned by a state agency) to place, construct, maintain, and operate personal wireless service facilities and small wireless facilities. The requests must be made on the forms developed jointly by OPM and other state agencies (see below). Any request to use DOT-managed property must conform to (1) the department's policy on installing new utility facilities on any state or interstate highway, (2) the American Association of State Highway and Transportation Official's Policy on the Accommodation of Utilities on Freeway Rights of Way, and (3) and the Federal Highway Administration's regulations or policies.

The council must adopt guidelines for its operations and the determinations it makes on wireless carrier requests. The guidelines on determinations must at least include provisions on (1) the safe placement of personal wireless service facilities, (2) protecting open space land, and (3) extensions of time for the council's determinations.

The bill requires any wireless carrier that submits a request to the council to submit its master plan for personal wireless service facilities and small wireless facilities in the state. It must do so when it submits its first request to the council and then every two years. In general, a carrier's master plan, among other things, inventories existing wireless facilities and identifies sites for future facilities.

Review and Determinations on Requests

The council must accept and review comments from any state

agency affected by a wireless carrier's request and any interested person. Under the bill, an "interested person" is an individual, business, or other legal or commercial entity that owns land in the state that is within a 500-foot radius of any portion of state real property under review by the council for a wireless carrier's request. In evaluating a request, the council must perform due diligence for each state real property involved in the request. This includes periodic consideration and assessment of product testing, public health and safety, state bonding implications, and environmental concerns.

After reviewing comments and conducting due diligence, the council must determine, in accordance with any Federal Communications Commission regulations, rulings, and orders, which lands, buildings, easements, public rights of way, and real property owned by the state may be made available to wireless carriers to place, construct, maintain, and operate personal wireless service facilities and small wireless facilities. In making the determination, the council must give preference to requests that include collocating personal wireless service facilities and small wireless facilities from other wireless carriers. The council must make its determinations by a majority vote of the council within 90 days after a request, unless it determines that an extension is necessary under its guidelines.

LICENSING AGREEMENTS, FORMS, AND FEES

The bill requires OPM, DEEP, DAS, and DOT to jointly develop the following by November 1, 2019:

1. one or more telecommunication license agreements to govern the placement of personal wireless service facilities and small wireless facilities on state-owned property,
2. a common form or set of forms for wireless carrier requests to the council, and
3. a fee structure for wireless carrier requests to the council.

BACKGROUND

Personal Wireless Service Facilities

Under federal law, personal wireless service facilities are facilities that provide personal wireless services (e.g., cell phone service). Such services are commercial mobile, unlicensed wireless, and common carrier wireless exchange access services (47 U.S.C. 332(c)(7)).

Small Wireless Facilities

Under federal regulations, small wireless service facilities are facilities that meet each of the following conditions:

1. (a) mounted on structures that are 50 feet or less tall, including their antennas, or that are no more than 10% taller than other adjacent structures, or (b) do not extend existing structures on which they are mounted to a height of more than 50 feet or 10%, whichever is greater;
2. each associated antenna, excluding antenna equipment, does not exceed three cubic feet in volume;
3. other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, does not exceed 28 cubic feet in volume;
4. do not require antenna structure registration;
5. not located on tribal lands; and
6. do not expose humans to radiofrequency radiation that exceeds applicable federal standards (C.F.R. § 1.6002).

Related Bill

sSB 846, reported favorably by the Energy and Technology Committee, requires PURA to adopt regulations establishing the process to public utility pole attachments, including those for 5G service.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 24 Nay 0 (03/12/2019)