



General Assembly

January Session, 2019

**Governor's Bill No. 7152**

LCO No. 4487



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

REP. RITTER M., 1<sup>st</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

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

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

- 1 Section 1. (NEW) (*Effective July 1, 2019*) (a) As used in this section:
- 2 (1) "Council" means the Council on 5G Technology established in
- 3 subsection (b) of this section;
- 4 (2) "Interested person" means a person, as defined in section 3-56a of
- 5 the general statutes, who owns land in the state that is within a radius
- 6 of five hundred feet of any portion of state real property that the
- 7 council is reviewing pursuant to a request made pursuant to this
- 8 section;
- 9 (3) "Personal wireless service facilities" has the same meaning as
- 10 provided in 47 USC 332(c)(7), as amended from time to time;

11 (4) "Small wireless facilities" has the same meaning as provided in  
12 47 CFR 1.6002, as amended from time to time; and

13 (5) "State real properties" has the same meaning as provided in  
14 section 4-67g of the general statutes.

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

22 (c) The council shall adopt guidelines for (1) its operations; and (2)  
23 the determinations it makes pursuant to subsection (d) of this section,  
24 which shall include, but not be limited to, guidelines concerning the  
25 safe placement of personal wireless service facilities, the protection of  
26 open space land and extensions of time for a determination by the  
27 council.

28 (d) (1) The council shall accept and review requests from wireless  
29 carriers for the use of state real properties for the placement,  
30 construction, maintenance and operation of personal wireless service  
31 facilities and small wireless facilities made using the common form or  
32 forms developed pursuant to subsection (e) of this section. Any request  
33 for the use of state real property that is managed by the Department of  
34 Transportation shall conform to said department's policy regarding the  
35 installation of new utility facilities on any state or interstate highway,  
36 the American Association of State Highway and Transportation  
37 Official's Policy on the Accommodation of Utilities on Freeway Rights  
38 of Way and any regulations or policies adopted by the Federal  
39 Highway Administration.

40 (2) The council shall accept and review comments from any state  
41 agency affected by such request and any interested person. In

42 evaluating such requests, the council shall perform due diligence for  
43 each state real property that is the subject of a request, which shall  
44 include, but not be limited to, the periodic consideration and  
45 assessment of product testing, public health and safety, implications  
46 for state bonding and environmental concerns.

47 (3) After reviewing any comments submitted from a state agency  
48 and any interested person and conducting due diligence, the council  
49 shall determine, in accordance with any Federal Communications  
50 Commission regulations, rulings and orders, which lands, buildings,  
51 easements, public rights of way and real property owned by the state  
52 may be made available to wireless carriers for the placement,  
53 construction, maintenance and operation of personal wireless service  
54 facilities and small wireless facilities. In making such determination,  
55 the council shall give preference to requests that include the  
56 collocation of personal wireless service facilities or small wireless  
57 facilities from other wireless carriers. Such determinations shall be  
58 made within ninety days of a request by a majority vote of the council,  
59 except if the council has determined an extension of time is necessary,  
60 pursuant to the guidelines adopted pursuant to subsection (c) of this  
61 section.

62 (e) On or before November 1, 2019, the Office of Policy and  
63 Management, the Department of Energy and Environmental  
64 Protection, the Department of Administrative Services and the  
65 Department of Transportation shall jointly develop (1) one or more  
66 Telecommunication License Agreements that shall govern the  
67 placement of personal wireless service facilities and small wireless  
68 facilities on buildings, structures or any other property owned by the  
69 state, (2) a common form or set of forms for requests made pursuant to  
70 this section, and (3) a fee structure for requests made pursuant to this  
71 section.

72 (f) Any wireless carrier that submits a request or has submitted a  
73 request pursuant to this section shall submit to the council, at the time  
74 it submits its first request and every two years thereafter, such wireless

75 carrier's master plan for personal wireless service facilities and small  
76 wireless facilities in the state.

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

82 Sec. 2. (NEW) (*Effective July 1, 2019*) The Office of Policy and  
83 Management, in consultation with the Public Utilities Regulatory  
84 Authority and the Connecticut Siting Council, shall work with  
85 municipalities to establish a process for siting small wireless facilities  
86 on municipal property and, with the permission of the property  
87 owner, private property where the use of utility or light poles is  
88 insufficient. For purposes of this section, "small wireless facilities" has  
89 the same meaning as provided in 47 CFR 1.6002, as amended from  
90 time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section

**ET**            *Joint Favorable*