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HOUSE BILL 25-1056

BY REPRESENTATIVE(S) Lukens and Bacon, Soper, Duran, English, Marshall;
also SENATOR(S) Roberts and Hinrichsen.

CONCERNING LOCAL GOVERNMENT PERMITTING OF WIRELESS
TELECOMMUNICATIONS FACILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 29-27-401 as follows:

29-27-401. Legislative declaration. (1) The general assembly finds and declares that:

(a) The permitting, construction, modification, maintenance, and operation of broadband facilities are critical to ensuring that all citizens in the state have true access to advanced technology and information;

(b) ~~These~~ BROADBAND facilities are critical to ensuring that businesses and schools throughout the state remain competitive in the global economy; and

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) The permitting, construction, modification, maintenance, and operation of ~~these~~ BROADBAND facilities, to the extent specifically addressed in this part 4, are declared to be matters of statewide concern and interest.

(2) The general assembly further finds and declares that RELIABLE WIRELESS CONNECTIVITY THROUGHOUT THE STATE:

(a) ~~Small cell facilities often may be deployed most effectively in the public rights-of-way, and~~ IS ESSENTIAL IN SUPPORTING PUBLIC SAFETY OPERATIONS AND ENSURING THAT THE PUBLIC IS ABLE TO ACCESS LIFE-SAVING ASSISTANCE IN TIMES OF CRISIS;

(b) ~~Access to local government structures is essential to the construction and maintenance of wireless service facilities or broadband facilities~~ IS A SIGNIFICANT DRIVER OF ECONOMIC ACTIVITY AND PRODUCTIVITY FOR WORKERS AND ORGANIZATIONS;

(c) IS CRITICAL TO PROVIDING ACCESS TO INFORMATION, EDUCATIONAL RESOURCES, AND JOB OPPORTUNITIES; AND

(d) CAN HELP URBAN, HISTORICALLY UNDERSERVED, AND RURAL BUSINESSES IMPROVE WORKFLOW, WHILE ALSO AMPLIFYING VISIBILITY AND SALES FOR THOSE BUSINESSES.

(3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE EFFICIENT PERMITTING OF WIRELESS FACILITIES BY LOCAL GOVERNMENTS:

(a) HAS A SIGNIFICANT PUBLIC SAFETY AND ECONOMIC BENEFIT TO COLORADO; AND

(b) IS A MATTER OF STATEWIDE CONCERN.

SECTION 2. In Colorado Revised Statutes, 29-27-402, **amend** (3) and (7); and **add** (3.1), (3.3), (3.7), and (6.2) as follows:

29-27-402. Definitions. As used in this part 4, unless the context otherwise requires:

(3) ~~"Collocation"~~ "COLLOCATE" means the mounting or installation of broadband service equipment on a tower, building, or structure with existing broadband service equipment for the purpose of transmitting or receiving radio frequency signals for communications purposes.

(3.1) "COLLOCATION APPLICATION" MEANS AN APPLICATION FOR A COLLOCATION THAT RESULTS IN A SUBSTANTIAL CHANGE OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY.

(3.3) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-27-102 (3).

(3.7) "SITING APPLICATION" MEANS AN APPLICATION FOR A NEW WIRELESS SERVICE FACILITY.

(6.2) "SUBSTANTIAL CHANGE" HAS THE SAME MEANING AS SET FORTH IN 47 CFR 1.6100 (b)(7), WHICH IMPLEMENTS THE FEDERAL "SPECTRUM ACT OF 2012", 47 U.S.C. SEC. 1455 (a).

(7) "Wireless service facility" OR "FACILITY" means ~~a facility for the provision of wireless services; except that "wireless service facility" does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna~~ EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING:

(a) MACRO AND SMALL CELL FACILITIES, TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION, BUT DOES NOT INCLUDE COAXIAL OR FIBER-OPTIC CABLE THAT IS NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, A PARTICULAR ANTENNA; AND

(b) THE SUPPORT STRUCTURE OR IMPROVEMENTS ON, UNDER, OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED.

SECTION 3. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 29-27-403 as follows:

29-27-403. Deemed approval of facilities. (1) (a) A COLLOCATION

APPLICATION OR SITING APPLICATION FOR A WIRELESS SERVICE FACILITY SUBMITTED TO A LOCAL GOVERNMENT IS DEEMED APPROVED BY THE LOCAL GOVERNMENT IF:

(I) THE LOCAL GOVERNMENT HAS NOT APPROVED OR REJECTED THE APPLICATION WITHIN NINETY DAYS AFTER THE APPLICANT SUBMITS AN APPLICATION; EXCEPT THAT THE PERIOD FOR APPROVAL OR REJECTION OF A SITING APPLICATION THAT IS NOT FOR A COLLOCATION OR A SMALL CELL FACILITY IS ONE HUNDRED FIFTY DAYS AFTER THE APPLICANT SUBMITS AN APPLICATION;

(II) THE APPLICANT HAS PROVIDED ALL PUBLIC NOTICES OF THE APPLICATION REQUIRED UNDER APPLICABLE LAW; AND

(III) THE APPLICANT HAS PROVIDED NOTICE TO THE LOCAL GOVERNMENT THAT THE APPLICABLE TIME PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION HAS LAPSED AND THAT THE APPLICATION IS DEEMED APPROVED PURSUANT TO THIS SECTION.

(b) A LOCAL GOVERNMENT MAY TOLL THE APPLICABLE PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION TO ALLOW THE LOCAL GOVERNMENT TO MAKE TIMELY REQUESTS, PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION, FOR INFORMATION TO COMPLETE A COLLOCATION OR SITING APPLICATION. THE APPLICABLE PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION MAY ALSO BE EXTENDED BY MUTUAL WRITTEN AGREEMENT OF THE APPLICANT AND THE LOCAL GOVERNMENT.

(c) A LOCAL GOVERNMENT MAY ALSO TOLL THE APPLICABLE PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION IF IT DETERMINES BASED ON ITS AVAILABLE RESOURCES THAT IT CANNOT REASONABLY AND ADEQUATELY REVIEW THE COLLOCATION APPLICATION OR SITING APPLICATION AS WELL AS A PREVIOUSLY SUBMITTED LAND USE APPLICATION RELATED TO HOUSING INTENDED TO PROVIDE AFFORDABLE OR ATTAINABLE HOUSING, RENEWABLE ENERGY, PROJECTS OF GOVERNMENTAL ENTITIES, OR ANY OTHER PROJECT, PROVIDED THAT A FEDERAL, STATE, OR LOCAL LAW ESTABLISHES A TIMELINE FOR REVIEW. THE PERIOD OF TOLLING SHALL OCCUR ONLY ONCE AND SHALL NOT BE LONGER THAN FORTY-FIVE DAYS TO REVIEW ALL OTHER SUCH PENDING LAND USE APPLICATIONS. THE LOCAL GOVERNMENT SHALL NOTIFY THE APPLICANT IN WRITING WITHIN THIRTY DAYS AFTER SUBMISSION OF THE COLLOCATION APPLICATION OR SITING

APPLICATION OF THE DURATION OF THE PERIOD OF TOLLING AND THE REASON FOR ITS DETERMINATION. NOTHING IN THIS SECTION RELIEVES A LOCAL GOVERNMENT OF ITS OBLIGATION TO COMPLY WITH THE TIMELINES FOR WIRELESS SERVICE FACILITY PERMITTING ESTABLISHED BY FEDERAL AND STATE LAW.

(d) IF A LOCAL GOVERNMENT REQUIRES AN APPLICANT TO OBTAIN A TRAFFIC CONTROL PLAN OR OTHER PERMIT RELATED TO OBSTRUCTION OF, OR SAFETY IN, A PUBLIC RIGHT-OF-WAY BEFORE A COLLOCATION OR SITING APPLICATION IS APPROVED, THE APPLICANT SHALL NOT COMMENCE THE CONSTRUCTION OR SUBSTANTIAL CHANGE OF A WIRELESS SERVICE FACILITY PURSUANT TO A COLLOCATION OR SITING APPLICATION DEEMED APPROVED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION UNTIL THE TRAFFIC CONTROL PLAN OR OTHER PERMIT IS OBTAINED.

(e) A LOCAL GOVERNMENT MAY SEEK JUDICIAL REVIEW OF THE DEEMED APPROVAL OF A COLLOCATION APPLICATION OR SITING APPLICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE NOTICE DESCRIBED IN SUBSECTION (1)(a)(III) OF THIS SECTION IS PROVIDED TO THE LOCAL GOVERNMENT.

(f) A LOCAL GOVERNMENT SHALL NOT:

(I) UNREASONABLY WITHHOLD, CONDITION, OR DELAY APPROVAL OF THE ISSUANCE OF A TRAFFIC CONTROL PLAN OR OTHER PERMIT DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION TO DELAY THE APPROVAL OF A COLLOCATION APPLICATION OR SITING APPLICATION; OR

(II) PROHIBIT OR UNREASONABLY DISCRIMINATE IN FAVOR OF, OR AGAINST, ANY TECHNOLOGY IN TAKING ACTION ON A COLLOCATION OR SITING APPLICATION.

(g) IF A LOCAL GOVERNMENT DETERMINES THAT A COLLOCATION OR SITING APPLICATION IS INCOMPLETE, THE LOCAL GOVERNMENT SHALL NOTIFY THE APPLICANT WITHIN THIRTY DAYS AFTER THE SUBMISSION OF THE APPLICATION. THE NOTIFICATION MUST BE WRITTEN, MUST CLEARLY AND SPECIFICALLY IDENTIFY THE MISSING DOCUMENTS OR INFORMATION THAT THE APPLICANT MUST SUBMIT TO RENDER THE APPLICATION COMPLETE, AND MUST IDENTIFY THE SPECIFIC REGULATION CREATING THE REQUIREMENT TO PROVIDE THE MISSING DOCUMENTS OR INFORMATION. TOLLING OF THE

PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION BEGINS ON THE DATE THAT THE LOCAL GOVERNMENT PROVIDES THIS NOTIFICATION AND ENDS ON THE DATE THAT THE APPLICANT PROVIDES THE REQUESTED INFORMATION.

(2) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SECTION, NOTHING IN THIS SECTION LIMITS OR AFFECTS THE AUTHORITY OF A LOCAL GOVERNMENT OVER THE PLACEMENT OR CONSTRUCTION OF A WIRELESS SERVICE FACILITY.

(3) NOTHING IN THIS SECTION SUPERSEDES, NULLIFIES, OR OTHERWISE ALTERS GENERALLY APPLICABLE AND NONDISCRIMINATORY BUILDING, ELECTRICAL, FIRE, OR OTHER SAFETY REQUIREMENTS.

(4) NOTHING IN THIS SECTION SHALL BE INTERPRETED OR IMPLEMENTED IN A WAY THAT PREVENTS A LOCAL GOVERNMENT FROM PROMPTLY ACTING ON ANY OTHER PERMIT FOR USE, OCCUPATION, INSTALLATION, MODIFICATION, REPAIR, OR OPERATION IN THE PUBLIC RIGHTS-OF-WAY, INCLUDING BUT NOT LIMITED TO PERMITS FOR BROADBAND FACILITIES.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN APPLICANT SEEKING TO CONSTRUCT A FACILITY WITHIN THE EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION ON LAND OWNED BY THE TRIBE MUST OBTAIN THE WRITTEN CONSENT OF THE APPLICABLE TRIBAL GOVERNMENT.

SECTION 4. In Colorado Revised Statutes, **add** 29-27-405 as follows:

29-27-405. Facility equipment replacement. (1) A LOCAL GOVERNMENT SHALL NOT REQUIRE A COLLOCATION OR SITING APPLICATION, OR ADDITIONAL PERMITS FOR THE MODIFICATION, REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF A WIRELESS SERVICE FACILITY, OR EQUIPMENT ASSOCIATED THEREWITH, IF:

(a) THE OWNER OR OPERATOR OF THE WIRELESS SERVICE FACILITY NOTIFIES THE LOCAL GOVERNMENT OF THE MODIFICATION, REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE WIRELESS SERVICE FACILITY, OR EQUIPMENT ASSOCIATED WITH THE WIRELESS SERVICE FACILITY; AND

(b) THE MODIFICATION, REMOVAL, DISCONTINUANCE, OR REPLACEMENT DOES NOT AMOUNT TO A SUBSTANTIAL CHANGE TO THE WIRELESS SERVICE FACILITY.

(2) NOTHING IN THIS SECTION SUPERSEDES, NULLIFIES, OR OTHERWISE ALTERS GENERALLY APPLICABLE AND NONDISCRIMINATORY BUILDING, ELECTRICAL, FIRE, OR OTHER SAFETY REQUIREMENTS.

SECTION 5. In Colorado Revised Statutes, 38-5.5-104.5, **amend** (1) as follows:

38-5.5-104.5. Use of local government entity structures.

(1) Except as provided in subsection (2) of this section and subject to the requirements and limitations of this article 5.5, ~~sections 29-27-403 and 29-27-404~~ PART 4 OF ARTICLE 27 OF TITLE 29, and a local government entity's police powers, a telecommunications provider or a broadband provider has the right to locate or collocate small cell facilities or small cell networks on the light poles, light standards, traffic signals, or utility poles in the rights-of-way owned by the local government entity; except that a small cell facility or a small cell network shall not be located or mounted on any apparatus, pole, or signal with tolling collection or enforcement equipment attached.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on January 1, 2026; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications filed on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO