

HOUSE COMMITTEE OF REFERENCE REPORT

February 11, 2025

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Chair of Committee

\_\_\_\_\_  
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB25-1056 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

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

4 **29-27-401. Legislative declaration.** (1) The general assembly  
5 finds and declares that:

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

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

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

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

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

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

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

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

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

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

9 (b) IS A MATTER OF STATEWIDE CONCERN."

10 Renumber succeeding sections accordingly.

11 Page 2, line 3, after "(3)" insert "and (7); and **add** (3.1), (3.3), (3.7), and  
12 (6.2)".

13 Page 2, after line 9 insert:

14 "(3.1) "COLLOCATION APPLICATION" MEANS AN APPLICATION FOR  
15 A COLLOCATION THAT RESULTS IN A SUBSTANTIAL CHANGE OF AN  
16 EXISTING WIRELESS TELECOMMUNICATIONS FACILITY.

17 (3.3) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET  
18 FORTH IN SECTION 29-27-102 (3).

19 (3.7) "SITING APPLICATION" MEANS AN APPLICATION FOR A NEW  
20 WIRELESS SERVICE FACILITY.

21 (6.2) "SUBSTANTIAL CHANGE" HAS THE SAME MEANING AS SET  
22 FORTH IN 47 CFR 1.6100 (b)(7), WHICH IMPLEMENTS THE FEDERAL  
23 "SPECTRUM ACT OF 2012", 47 U.S.C. SEC. 1455 (a).

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

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

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

1 Page 2, strike line 10 and substitute:

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

4 **29-27-403. Deemed approval of facilities.** (1) (a) A  
5 COLLOCATION APPLICATION OR SITING APPLICATION FOR A WIRELESS  
6 SERVICE FACILITY SUBMITTED TO A LOCAL GOVERNMENT IS DEEMED  
7 APPROVED BY THE LOCAL GOVERNMENT IF:

8 (I) THE LOCAL GOVERNMENT HAS NOT APPROVED OR REJECTED  
9 THE APPLICATION WITHIN NINETY DAYS AFTER THE APPLICATION IS  
10 SUBMITTED TO THE LOCAL GOVERNMENT OR AFTER THE APPLICANT  
11 COMPLIES WITH ANY LOCAL GOVERNMENT MEETING OR OTHER  
12 REQUIREMENT RELATED TO AN APPLICATION, WHICHEVER IS EARLIER;  
13 EXCEPT THAT THE PERIOD FOR APPROVAL OR REJECTION OF A SITING  
14 APPLICATION THAT IS NOT FOR A COLLOCATION OR A SMALL CELL FACILITY  
15 IS ONE HUNDRED TWENTY DAYS;

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

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

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

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

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

41 (e) A LOCAL GOVERNMENT SHALL NOT:

42 (I) UNREASONABLY WITHHOLD, CONDITION, OR DELAY APPROVAL

1 OF THE ISSUANCE OF A TRAFFIC CONTROL PLAN OR OTHER PERMIT  
2 DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION TO DELAY THE  
3 APPROVAL OF A COLLOCATION APPLICATION OR SITING APPLICATION; OR

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

7 (f) IF A LOCAL GOVERNMENT DETERMINES THAT A COLLOCATION  
8 OR SITING APPLICATION IS INCOMPLETE, THE LOCAL GOVERNMENT SHALL  
9 NOTIFY THE APPLICANT WITHIN THIRTY DAYS AFTER THE SUBMISSION OF  
10 THE APPLICATION. THE NOTIFICATION MUST BE WRITTEN, MUST CLEARLY  
11 AND SPECIFICALLY IDENTIFY THE MISSING DOCUMENTS OR INFORMATION  
12 THAT THE APPLICANT MUST SUBMIT TO RENDER THE APPLICATION  
13 COMPLETE, AND MUST IDENTIFY THE SPECIFIC REGULATION CREATING THE  
14 REQUIREMENT TO PROVIDE THE MISSING DOCUMENTS OR INFORMATION.  
15 TOLLING OF THE PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS  
16 SECTION BEGINS ON THE DATE THAT THE LOCAL GOVERNMENT PROVIDES  
17 THIS NOTIFICATION AND ENDS ON THE DATE THAT THE APPLICANT  
18 PROVIDES THE REQUESTED INFORMATION.

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

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

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

32 Strike pages 3 through 6.

33 Page 7, strike lines 1 through 11 and substitute:

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

36 **29-27-405. Facility equipment replacement.** (1) A LOCAL  
37 GOVERNMENT SHALL NOT REQUIRE A COLLOCATION OR SITING  
38 APPLICATION, OR ADDITIONAL PERMITS FOR THE MODIFICATION, REMOVAL,  
39 DISCONTINUANCE, OR REPLACEMENT OF A WIRELESS SERVICE FACILITY, OR  
40 EQUIPMENT ASSOCIATED THEREWITH, IF:

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

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

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

11 Page 7, strike line 17 and substitute "~~29-27-404~~ PART 4 OF ARTICLE 27 OF  
12 TITLE 29, and a".

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