

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0249.01 Jason Gelender x4330

HOUSE BILL 25-1056

HOUSE SPONSORSHIP

Lukens and Bacon, Soper

SENATE SPONSORSHIP

Roberts and Hinrichsen,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LOCAL GOVERNMENT PERMITTING OF WIRELESS**
102 **TELECOMMUNICATIONS FACILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Cell Phone Connectivity Interim Study Committee. The bill requires that an application by a telecommunications provider for the siting and construction of a new wireless telecommunications facility or for the substantial change of an existing wireless telecommunications facility (application) submitted to a local government is deemed approved by the local government if:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- The local government has not approved or rejected the application within 60 days after the application is submitted to the local government or conducted a pre-application meeting or other documented communication regarding the application, whichever is earlier (60-day time period);
- The telecommunications provider has provided all public notices required under applicable law; and
- The telecommunications provider has provided notice to the local government that the 60-day time period has lapsed and that the application is deemed approved.

A local government may toll the 60-day time period to allow the local government to make timely requests for information to complete an application. The 60-day time period may also be extended by mutual agreement of the telecommunications provider and the local government.

The bill also prohibits a local government from requiring a telecommunications provider that removes, discontinues, or replaces telecommunications equipment at an existing wireless telecommunications facility to file a new application or obtain additional permits if:

- The telecommunications provider notifies the local government of the necessary removal, discontinuance, or replacement of the telecommunications equipment; and
- The removal, discontinuance, or replacement of the telecommunications equipment is not a substantial change to the facility.

The bill takes effect on January 1, 2026.

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

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

1 global economy; and

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

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

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

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

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

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

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

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

26 (b) IS A MATTER OF STATEWIDE CONCERN.

27 **SECTION 2.** In Colorado Revised Statutes, 29-27-402, **amend**

1 (3) and (7); and **add** (3.1), (3.3), (3.7), and (6.2) as follows:

2 **29-27-402. Definitions.** As used in this part 4, unless the context
3 otherwise requires:

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

8 (3.1) "COLLOCATION APPLICATION" MEANS AN APPLICATION FOR
9 A COLLOCATION THAT RESULTS IN A SUBSTANTIAL CHANGE OF AN
10 EXISTING WIRELESS TELECOMMUNICATIONS FACILITY.

11 (3.3) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET
12 FORTH IN SECTION 29-27-102 (3).

13 (3.7) "SITING APPLICATION" MEANS AN APPLICATION FOR A NEW
14 WIRELESS SERVICE FACILITY.

15 (6.2) "SUBSTANTIAL CHANGE" HAS THE SAME MEANING AS SET
16 FORTH IN 47 CFR 1.6100 (b)(7), WHICH IMPLEMENTS THE FEDERAL
17 "SPECTRUM ACT OF 2012", 47 U.S.C. SEC. 1455 (a).

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

25 (a) MACRO AND SMALL CELL FACILITIES, TRANSCEIVERS,
26 ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP
27 POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF

1 TECHNOLOGICAL CONFIGURATION, BUT DOES NOT INCLUDE COAXIAL OR
2 FIBER-OPTIC CABLE THAT IS NOT IMMEDIATELY ADJACENT TO, OR
3 DIRECTLY ASSOCIATED WITH, A PARTICULAR ANTENNA; AND

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

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

8 **29-27-403. Deemed approval of facilities.** (1) (a) A
9 COLLOCATION APPLICATION OR SITING APPLICATION FOR A WIRELESS
10 SERVICE FACILITY SUBMITTED TO A LOCAL GOVERNMENT IS DEEMED
11 APPROVED BY THE LOCAL GOVERNMENT IF:

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

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

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

26 (b) A LOCAL GOVERNMENT MAY TOLL THE APPLICABLE PERIOD
27 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION TO ALLOW THE

1 LOCAL GOVERNMENT TO MAKE TIMELY REQUESTS FOR INFORMATION TO
2 COMPLETE A COLLOCATION OR SITING APPLICATION. THE PERIOD MAY
3 ALSO BE EXTENDED BY MUTUAL AGREEMENT OF THE APPLICANT AND THE
4 LOCAL GOVERNMENT.

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

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

18 (e) A LOCAL GOVERNMENT SHALL NOT:

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

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

26 (f) IF A LOCAL GOVERNMENT DETERMINES THAT A COLLOCATION
27 OR SITING APPLICATION IS INCOMPLETE, THE LOCAL GOVERNMENT SHALL

1 NOTIFY THE APPLICANT WITHIN THIRTY DAYS AFTER THE SUBMISSION OF
2 THE APPLICATION. THE NOTIFICATION MUST BE WRITTEN, MUST CLEARLY
3 AND SPECIFICALLY IDENTIFY THE MISSING DOCUMENTS OR INFORMATION
4 THAT THE APPLICANT MUST SUBMIT TO RENDER THE APPLICATION
5 COMPLETE, AND MUST IDENTIFY THE SPECIFIC REGULATION CREATING THE
6 REQUIREMENT TO PROVIDE THE MISSING DOCUMENTS OR INFORMATION.
7 TOLLING OF THE PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS
8 SECTION BEGINS ON THE DATE THAT THE LOCAL GOVERNMENT PROVIDES
9 THIS NOTIFICATION AND ENDS ON THE DATE THAT THE APPLICANT
10 PROVIDES THE REQUESTED INFORMATION.

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

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

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

24
25 **SECTION 4.** In Colorado Revised Statutes, **add 29-27-405** as
26 follows:

27 **29-27-405. Facility equipment replacement.** (1) A LOCAL

1 GOVERNMENT SHALL NOT REQUIRE A COLLOCATION OR SITING
2 APPLICATION, OR ADDITIONAL PERMITS FOR THE MODIFICATION, REMOVAL,
3 DISCONTINUANCE, OR REPLACEMENT OF A WIRELESS SERVICE FACILITY, OR
4 EQUIPMENT ASSOCIATED THEREWITH, IF:

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

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

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

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

17 **38-5.5-104.5. Use of local government entity structures.**

18 (1) Except as provided in subsection (2) of this section and subject to the
19 requirements and limitations of this article 5.5, ~~sections 29-27-403 and~~
20 ~~29-27-404~~ PART 4 OF ARTICLE 27 OF TITLE 29, and a local government
21 entity's police powers, a telecommunications provider or a broadband
22 provider has the right to locate or collocate small cell facilities or small
23 cell networks on the light poles, light standards, traffic signals, or utility
24 poles in the rights-of-way owned by the local government entity; except
25 that a small cell facility or a small cell network shall not be located or
26 mounted on any apparatus, pole, or signal with tolling collection or
27 enforcement equipment attached.

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