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Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
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Bill 3

LLS NO. 25-0249.01 Sarah Lozano x3858

INTERIM COMMITTEE BILL

Cell Phone Connectivity Interim Study Committee

BILL TOPIC: Local Gov Permitting Wireless Telecom Facilities

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:

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words 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, 29-27-402, **amend**
3 (3) as follows:

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

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

10 **SECTION 2.** In Colorado Revised Statutes, **repeal** 29-27-403.

1 MEANS AN APPLICATION BY A TELECOMMUNICATIONS PROVIDER FOR:

2 (a) THE SITING AND CONSTRUCTION OF A NEW WIRELESS
3 TELECOMMUNICATIONS FACILITY; OR

4 (b) THE SUBSTANTIAL CHANGE OF AN EXISTING WIRELESS
5 TELECOMMUNICATIONS FACILITY.

6 (2) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
7 COUNTY, CITY, OR CITY AND COUNTY.

8 (3) "SUBSTANTIAL CHANGE" HAS THE MEANING SET FORTH IN 47
9 CFR 1.6100 (b)(7).

10 (4) "TELECOMMUNICATIONS PROVIDER" MEANS A PERSON THAT
11 PROVIDES A WIRELESS TELECOMMUNICATIONS SERVICE.

12 (5) "WIRELESS TELECOMMUNICATIONS FACILITY" OR "FACILITY"
13 MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS
14 COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS
15 NETWORK, INCLUDING:

16 (a) MACRO AND SMALL WIRELESS FACILITIES, TRANSCEIVERS,
17 ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP
18 POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF
19 TECHNOLOGICAL CONFIGURATION; AND

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

22 **29-27-503. Deemed approval of facilities after sixty-day**
23 **period.** (1) (a) A COLLOCATION OR SITING APPLICATION FOR A WIRELESS
24 TELECOMMUNICATIONS FACILITY SUBMITTED TO A LOCAL GOVERNMENT
25 IS DEEMED APPROVED BY THE LOCAL GOVERNMENT IF:

26 (I) THE LOCAL GOVERNMENT HAS NOT APPROVED OR REJECTED
27 THE APPLICATION WITHIN SIXTY DAYS AFTER THE APPLICATION IS

1 SUBMITTED TO THE LOCAL GOVERNMENT OR A PRE-APPLICATION MEETING
2 OR OTHER DOCUMENTED COMMUNICATION BETWEEN THE LOCAL
3 GOVERNMENT AND THE TELECOMMUNICATIONS PROVIDER IS CONDUCTED,
4 WHICHEVER IS EARLIER;

5 (II) THE TELECOMMUNICATIONS PROVIDER HAS PROVIDED ALL
6 PUBLIC NOTICES OF THE APPLICATION REQUIRED UNDER APPLICABLE LAW;
7 AND

8 (III) THE TELECOMMUNICATIONS PROVIDER HAS PROVIDED NOTICE
9 TO THE LOCAL GOVERNMENT THAT THE SIXTY-DAY TIME PERIOD HAS
10 LAPSED AND THAT THE APPLICATION IS DEEMED APPROVED PURSUANT TO
11 THIS SECTION.

12 (b) A LOCAL GOVERNMENT MAY TOLL THE SIXTY-DAY TIME PERIOD
13 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION TO ALLOW THE
14 LOCAL GOVERNMENT TO MAKE TIMELY REQUESTS FOR INFORMATION TO
15 COMPLETE A COLLOCATION OR SITING APPLICATION. THE SIXTY-DAY TIME
16 PERIOD MAY ALSO BE EXTENDED BY MUTUAL AGREEMENT OF THE
17 TELECOMMUNICATIONS PROVIDER AND THE LOCAL GOVERNMENT.

18 (c) IF A LOCAL GOVERNMENT REQUIRES A TELECOMMUNICATIONS
19 PROVIDER TO OBTAIN A TRAFFIC CONTROL PLAN OR OTHER PERMIT
20 RELATED TO OBSTRUCTION OF, OR SAFETY IN, A PUBLIC RIGHT-OF-WAY
21 BEFORE A COLLOCATION OR SITING APPLICATION IS APPROVED, THE
22 TELECOMMUNICATIONS PROVIDER SHALL NOT COMMENCE THE
23 CONSTRUCTION OR SUBSTANTIAL CHANGE OF A WIRELESS
24 TELECOMMUNICATIONS FACILITY PURSUANT TO A COLLOCATION OR SITING
25 APPLICATION APPROVED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION
26 UNTIL THE TRAFFIC CONTROL PLAN OR OTHER PERMIT IS OBTAINED.

27 (d) A LOCAL GOVERNMENT MAY SEEK JUDICIAL REVIEW OF THE

1 DEEMED APPROVAL OF A COLLOCATION OR SITING APPLICATION PURSUANT
2 TO SUBSECTION (1)(a) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE
3 NOTICE DESCRIBED IN SUBSECTION (1)(a)(III) OF THIS SECTION IS
4 PROVIDED TO THE LOCAL GOVERNMENT.

5 (e) A LOCAL GOVERNMENT SHALL NOT:

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

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

13 (f) IF A COLLOCATION OR SITING APPLICATION SUBMITTED TO A
14 LOCAL GOVERNMENT IS INCOMPLETE, THE LOCAL GOVERNMENT SHALL
15 NOTIFY THE APPLICANT WITHIN THIRTY DAYS AFTER THE SUBMISSION OF
16 THE APPLICATION OR A PRE-APPLICATION MEETING OR OTHER
17 DOCUMENTED COMMUNICATION BETWEEN THE LOCAL GOVERNMENT AND
18 THE TELECOMMUNICATIONS PROVIDER IS CONDUCTED, WHICHEVER IS
19 EARLIER. THE NOTIFICATION MUST BE WRITTEN AND CLEARLY EXPLAIN
20 HOW THE APPLICATION IS INCOMPLETE.

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

25 (3) NOTHING IN THIS SECTION SUPERSEDES, NULLIFIES, OR
26 OTHERWISE ALTERS APPLICABLE LAWS RELATED TO SAFETY.

27 **29-27-504. Facility equipment replacement.** (1) A LOCAL

1 GOVERNMENT SHALL NOT REQUIRE A TELECOMMUNICATIONS PROVIDER
2 THAT REMOVES, DISCONTINUES, OR REPLACES TELECOMMUNICATIONS
3 EQUIPMENT AT AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY
4 TO FILE A NEW COLLOCATION OR SITING APPLICATION OR OBTAIN
5 ADDITIONAL PERMITS FOR THE REMOVAL, DISCONTINUANCE, OR
6 REPLACEMENT OF THE EQUIPMENT IF:

7 (a) THE TELECOMMUNICATIONS PROVIDER NOTIFIES THE LOCAL
8 GOVERNMENT OF THE NECESSARY REMOVAL, DISCONTINUANCE, OR
9 REPLACEMENT OF THE TELECOMMUNICATIONS EQUIPMENT; AND

10 (b) THE REMOVAL, DISCONTINUANCE, OR REPLACEMENT OF THE
11 TELECOMMUNICATIONS EQUIPMENT IS NOT A SUBSTANTIAL CHANGE.

12 **SECTION 4.** In Colorado Revised Statutes, 38-5.5-104.5, **amend**
13 (1) as follows:

14 **38-5.5-104.5. Use of local government entity structures.**

15 (1) Except as provided in subsection (2) of this section and subject to the
16 requirements and limitations of this article 5.5, ~~sections 29-27-403 and~~
17 ~~29-27-404~~ SECTION 29-27-404, PART 5 OF ARTICLE 27 OF TITLE 29, and a
18 local government entity's police powers, a telecommunications provider
19 or a broadband provider has the right to locate or collocate small cell
20 facilities or small cell networks on the light poles, light standards, traffic
21 signals, or utility poles in the rights-of-way owned by the local
22 government entity; except that a small cell facility or a small cell network
23 shall not be located or mounted on any apparatus, pole, or signal with
24 tolling collection or enforcement equipment attached.

25 **SECTION 5. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on January 1, 2026;
27 except that, if a referendum petition is filed pursuant to section 1 (3) of

1 article V of the state constitution against this act or an item, section, or
2 part of this act within such period, then the act, item, section, or part will
3 not take effect unless approved by the people at the general election to be
4 held in November 2026 and, in such case, will take effect on the date of
5 the official declaration of the vote thereon by the governor.

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