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H.51

Introduced by Representatives Botzow of Pownal, Marcotte of Coventry, and
Sibilia of Dover

Referred to Committee on

Date:

Subject: Public service; telecommunications; facility siting; notice to
municipality and adjoining property owners

Statement of purpose of bill as introduced: This bill proposes to require prior
notice to the municipality and adjoining property owners whenever a
telecommunications facility is to be installed. If an application for approval is
made under Act 250 or local land use bylaws or to the Public Service Board,
the notice process for that application will be considered to satisfy this
requirement.

An act relating to notice of telecommunications facility installation

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 2531 is added to read:

§ 2531. TELECOMMUNICATIONS FACILITIES; PRIOR NOTICE

(a) Definitions. As used in this section:

(1) "Adjoining property owner" has the same meaning as in 10 V.S.A.

§ 6001.

1 (2) “Ancillary improvements” has the same meaning as in subsection
2 248a(b) of this title.

3 (3) “Telecommunications facility” has the same meaning as in
4 subsection 248a(b) of this title and includes wired and wireless facilities.

5 (b) Duty to provide notice. A person proposing to install or cause the
6 installation of a telecommunications facility or an ancillary improvement, or
7 both, shall give prior written notice to each municipality in which the facility
8 or improvement is to be located and to each adjoining property owner.

9 (c) Timing; content of notice. The person shall deliver or cause the
10 delivery of the notice to occur on or before the 30th day prior to installation of
11 the telecommunications facility or ancillary improvement. At a minimum, the
12 notice shall include each of the following:

13 (1) the specific location of the telecommunications facilities and
14 ancillary improvements to be installed;

15 (2) a brief narrative description of these facilities and improvements and
16 their purpose;

17 (3) the height of the tallest of these facilities and improvements;

18 (4) the footprint of the entire area to be disturbed by the installation;

19 (5) the name of the person proposing each of these facilities and
20 improvements; and

1 (6) the telephone number, e-mail address, and U.S. mail address of an
2 individual who can answer questions, provide further information, and discuss
3 potential changes and make changes to the proposal.

4 (d) Facilities seeking permits. A telecommunications facility or ancillary
5 improvement for which application is made and notice is provided pursuant to
6 10 V.S.A. chapter 151, 24 V.S.A. chapter 117, or section 248a of this title shall
7 be considered to have met the requirements of subsections (b) and (c) of this
8 section.

9 (e) Opportunity for comment and discussion. After giving notice pursuant
10 to subsection (c) or (d) of this section, a person intending to install a
11 telecommunications facility or ancillary improvement subject to the notice
12 shall, prior to installation:

13 (1) provide the municipality and each adjoining property owner with an
14 opportunity to ask questions, obtain further information, and discuss potential
15 changes to the proposal; and

16 (2) have a duty to answer questions, provide further information, and
17 discuss potential changes to the proposal in good faith.

18 (f) Penalties. After notice and opportunity for hearing, the Public Service
19 Board, in accordance with subsections 30(b) and (c) of this title, may impose a
20 civil penalty on a person who violates this section. The Department of Public
21 Service, or a municipality or adjoining property owner entitled to receive

1 notice under this section, shall have the right to petition the Board to impose
2 such a penalty.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2017.