

H.751

Introduced by Representatives Burt of Cabot, Dobrovich of Williamstown,  
Labor of Morgan, Lipsky of Stowe, Morrissey of Bennington,  
Nelson of Derby, O'Brien of Tunbridge, and Yacovone of  
Morristown

Referred to Committee on

Date:

Subject: Public service; telecommunications; siting

Statement of purpose of bill as introduced: This bill proposes to change the  
process for siting telecommunications facilities to require facilities to receive a  
permit from District Commissions.

An act relating to telecommunications siting

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

Sec. 1. REPEAL

30 V.S.A. § 248a (certificate of public good for communications facilities)  
is repealed.

Sec. 2. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

\* \* \*

1 (3)(A) “Development” means each of the following:

2 \* \* \*

3 (ix) Any support structure or telecommunication facility or  
4 apparatus proposed for construction that is primarily for communication or  
5 broadcast purposes ~~and that will extend vertically 20 feet or more above the~~  
6 ~~highest point of an~~ attached to an existing structure, or ~~50 feet or more above~~  
7 ~~ground level in the case of~~ a proposed new support structure, in order to  
8 transmit or receive communication signals for commercial, industrial,  
9 municipal, county, or State purposes, independently of the acreage involved.

10 Development also includes the construction of small cell antennas.

11 (I) Under this subdivision (ix):

12 (aa) the word “development” ~~shall also include~~ includes the  
13 construction of improvements ancillary to the support structure, including  
14 buildings, broadcast or communication equipment, foundation pads, cables,  
15 wires, antennas or hardware, and all means of ingress and egress to the support  
16 structure; and

17 (bb) the word “development” ~~shall~~ does not include future  
18 improvements that are not ancillary to the support structure and do not involve  
19 an additional support structure, unless they would otherwise be considered a  
20 development under this subdivision (3).

1 (II) The criteria and procedures for obtaining a permit for a  
2 development under this subdivision (ix) shall be the same as for any other  
3 development;

4 (III) As used in this subdivision (ix), “small cell antenna”  
5 means a compact, low-powered radio node that supplements large cellular  
6 networks (macrocells) by providing better coverage and capacity in smaller  
7 areas, often mounted on existing infrastructure like streetlights, utility poles,  
8 and buildings for 5G and other wireless services, acting like miniature cell  
9 towers to handle dense user demand.

10 \* \* \*

11 (D) The word “development” does not include:

12 \* \* \*

13 (ii) The construction of improvements for an electric generation,  
14 energy storage, or transmission facility that requires a certificate of public  
15 good under 30 V.S.A. § 248 or is subject to regulation under 30 V.S.A. § 8011;  
16 or a natural gas facility as defined in 30 V.S.A. § 248(a)(3); or a  
17 ~~telecommunications facility issued a certificate of public good under 30 V.S.A.~~  
18 ~~§ 248a.~~

19 \* \* \*

1 Sec. 3. 10 V.S.A. § 6086(c) is amended to read:

2 (c)(1) Permit conditions. A permit may contain such requirements and  
3 conditions as are allowable proper exercise of the police power and that are  
4 appropriate within the respect to subdivisions ~~(a)(1) through (10)~~(a)(1)–(10) of  
5 this section, including those set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2),  
6 4414(1)(D)(i), 4463(b), and 4464, the dedication of lands for public use, and  
7 the filing of bonds to ensure compliance. The requirements and conditions  
8 incorporated from Title 24 may be applied whether or not a local plan has been  
9 adopted. General requirements and conditions may be established by rule of  
10 the Land Use Review Board.

11 \* \* \*

12 (3) Permit conditions on a telecommunications facility. When issuing a  
13 permit with conditions on a telecommunications facility, including a small cell  
14 antenna, the District Commission shall include that the facility:

15 (A) Be at least 2,000 feet from any residence, commercial property,  
16 school, playground, public park, swimming pool, public beach, daycare, or  
17 hospital.

18 (B) Have a radiation signal strength metered at the location not to  
19 exceed -75 decibel-milliwatts (dBm) for any frequency or channel band  
20 specified by a transmitting entity's Federal Communications Commission  
21 transmission license; or, the maximum power output limit from all frequencies

1 or antennas from a wireless facility shall not exceed 0.1 watts of effective  
2 radiated power (ERP) so as to provide -75 dBm signal strength at one-half  
3 mile, or five bars on a cell phone. If signal strength metered by a radio  
4 frequency engineer exceeds -75 dBm, the facility operator has 30 days to  
5 achieve compliance without disruption to the performance of Vermonters'  
6 personal wireless services. Failure to comply with this subdivision (B) shall  
7 result in a penalty, as established by the Board in rule. The permit holder shall  
8 submit annually a certification to the District Commission that the facility is in  
9 compliance with this requirement, as certified by a licensed engineer.

10 (C) Poles or other structures in public rights-of-way that hold a 5G or  
11 similar radio frequency (RF) radiating antenna be labeled indicating RF-  
12 radiation being emitted above. This label shall be at eye level and legible from  
13 nine feet away.

14 (D) RF emissions are monitored annually for all radiating antennas  
15 and components by a qualified, independent RF engineer to be hired by the  
16 Board at the permittee's expense. The report containing all test results shall be  
17 submitted to the Board within 30 days following completion and not later than  
18 the close of the calendar year.

19 (E) Implement and adhere to RF-radiation safety limits established  
20 by the Agency of Natural Resources and determined to be protective of  
21 wildlife and flora, including trees, plants, birds, insects, and pollinators.

1      Sec. 4. 10 V.S.A. § 6094 is added to read:

2      § 6094. TELECOMMUNICATIONS FACILITY INVESTIGATIONS

3          The Department of Public Service shall provide technical assistance to the  
4      Land Use Review Board, if needed, when reviewing and investigating  
5      radiation signal strength from telecommunications facilities. On or before  
6      December 31, 2026, the Board and the Department shall enter into a  
7      memorandum of understanding establishing the Department's ability to assist  
8      the Board in the enforcement of telecommunications facility permit conditions.  
9      The Department may establish a fee for such assistance.

10     Sec. 5. 10 V.S.A. § 4154 is added to read:

11     § 4154. RADIO FREQUENCY STANDARDS

12          The Commissioner shall adopt rules establishing, consistent with any  
13      applicable Federal standards, radio frequency limits based on acceptable limits  
14      necessary to protect the health of wildlife.

15     Sec. 6. EFFECTIVE DATE

16          This act shall take effect on July 1, 2026.