

# MARKETING AND LICENSING OF STATE PROPERTY FOR COMMUNICATIONS PURPOSES

## PROCESS OVERVIEW

### **1. VTA IDENTIFIES MARKETABLE SITES, PRIORITIZING IN CATEGORIES FROM HIGHLY TO LEAST PROBABLE FOR LICENSING.**

- VTA either identifies State sites to market to communications Providers or receives expressions of interest from communications Providers for specific sites.

### **2. PRIVATE ENTITY APPROACHES AN OTHER AGENCY TO USE STATE PROPERTY FOR COMMUNICATIONS PURPOSES**

- Other Agencies approached by private entities enquiring as to the availability of state property (including land, buildings or structures) for communication purposes will be directed by the approached Other Agency to the VTA.

### **3. PUBLIC ENTITY APPROACHES AN OTHER AGENCY TO USE STATE PROPERTY FOR COMMUNICATIONS PURPOSES**

- Other Agencies approached by public entities enquiring as to the availability of State Property (including land, buildings or structures) for communications purposes will follow the existing two-step application approach established by DII.

### **4. VTA REQUESTS OTHER AGENCIES FOR SITE SPECIFIC TERMS AND CONDITIONS (Legal restrictions; site-specific requirements)**

- VTA shall:
  - Inform each of the Other Agencies of the specific site or sites it intends to market/license and for what purpose (equipment shelter and/or tower attachments);
  - Inform each of the Other Agencies of the VTA/Provider access requirements;
  - Request Agency-specific terms and conditions.

### **5. EACH AGENCY REQUIRED TO RESPOND PROMPTLY TO VTA**

- Each Other Agency shall have [ten (10) business days per site request] to respond with Agency- specific terms or to seek an extension from the Secretary of Administration.

### **6. EACH AGENCY REQUIRED TO PROMPTLY ADVISE DII OF COMPATIBILITY WITH ANY LONG TERM MANAGEMENT PLAN**

- ANR shall report to DII and VTA on the consistency of the proposed use with any management plan to which such ANR property is subject.
- The Vermont Advisory Council on Historic Preservation shall advise DII and VTA of the effect of the proposed license on any historic property that is included in the State Register of Historic Places.
- Each Other Agency is required to report to DII and VTA on the compatibility of the proposed use with any approved long-term management plan.

**7. VTA MAKES SITE RECOMMENDATIONS TO DII**

- VTA shall recommend each properly vetted site to DII for action. Each recommendation shall (i) include a statement regarding compliance with Agency-specific terms and conditions; and (ii) include a justification of public benefit.

**8. DII TO PROMPTLY CONSIDER VTA RECOMMENDATION AND INFORMATION RECEIVED FROM OTHER AGENCIES; MAKE DETERMINATION WHETHER AND UNDER WHAT CIRCUMSTANCES VTA MAY PROCEED TO NEGOTIATIONS WITH PROVIDER**

- Within ten (10) business days of receipt, DII shall review and respond to each VTA recommendation to negotiate a license with Providers.

**9. VTA HAS 120 DAYS WITHIN DATE OF DII DETERMINATION TO NEGOTIATE LICENSE FOR STATE PROPERTY**

- Upon a written finding by DII that the VTA recommendation satisfies the MOU criteria, VTA may, within 120 days of the DII finding, negotiate a conforming license with the applicable Provider.

**10. DII SHALL EXECUTE ALL CONFORMING LICENSES**

- VTA shall certify to DII that any deviations from the Agency-specific terms and conditions have been approved by the Secretary of Administration and any deviations from the standard license terms have been approved by the Office of the Attorney General.
- DII shall execute all conforming licenses within five (5) business days.