

HOUSE BILL NO. HB0014

Rights of way along public ways-amendments.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to rights-of-way; specifying requirements
2 and procedures for rights-of-way along public ways;
3 requiring an application for a blanket easement for rights-
4 of-way on public roads on federal lands in Wyoming for
5 broadband infrastructure development; providing for a
6 working group for rights-of-way on public roads on federal
7 lands; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 1-26-813(a), (b)(intro) and by
12 creating a new subsection (c) is amended to read:

13

14 **1-26-813. Right-of-way along public ways granted;**
15 **permission necessary for new lines.**

1

2 (a) ~~Corporations~~Persons authorized to do business in
3 this state for the purpose of constructing, maintaining and
4 operating a public utility or communications company may
5 set their fixtures and facilities along, across or under
6 any of the public roads, streets and waters of this state
7 in such manner as not to inconvenience the public in their
8 use. Any public utility or communications company desiring
9 to install its facilities in any city shall first attempt
10 to obtain consent from the city council in accordance with
11 applicable law. A person shall first obtain permission from
12 the state transportation commission or the board of county
13 commissioners in the county where the construction is
14 contemplated before entering upon any state highway or
15 county road for the purpose of commencing the construction.

16 An application for all construction permits, licenses and
17 authorizations to construct broadband facilities on
18 government property or public rights-of-way shall be
19 submitted to the appropriate governing entity as the
20 applicable governing entity may require. Upon receiving an
21 application as required in this subsection, any necessary
22 permits, licenses or authorizations shall receive a
23 response, be approved or be denied by the city, department

1 of transportation or the county. Unless a different period
2 is stipulated to by the parties, the city, department of
3 transportation or the county shall complete a preliminary
4 review of the application not later than thirty (30)
5 business days after receipt of the application and shall
6 respond to the application, approve or deny all necessary
7 permits, authorizations and licenses not later than
8 forty-five (45) business days after receipt of the
9 application. Any application for which permits, licenses
10 and authorizations have not received a response, been
11 approved or been denied within the time required by this
12 subsection shall be deemed to have been approved and any
13 permits, licenses and authorizations shall be deemed to
14 have been issued.

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16 (b) As used in this section, "communications company"
17 means a person, or any agent, contractor or subcontractor
18 of the person, who is a cable operator as defined in 47
19 U.S.C. § 522(5) or who in the course of business, provides
20 services which are telecommunications services, as defined
21 in W.S. 37-15-103(a)(xii), internet protocol enabled
22 service or voice over internet protocol. As used in this
23 section:

1

2 (c) Nothing in this section shall:

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4 (i) Authorize communications companies to set or
5 install permanent towers along, across or under any of the
6 public roads, streets and waters of this state;

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8 (ii) Be construed to prohibit a city, town or
9 county from requiring a franchise before issuing any
10 permits, licenses or authorizations as provided by this
11 section.

12

13 **Section 2.** The department of transportation shall
14 petition the United States federal government and any
15 appropriate federal agency for a broad form or blanket
16 easement to the state of Wyoming for rights-of-way for
17 broadband providers to set their fixtures and facilities
18 along, across or under any public roads located on or
19 through federal lands in the state of Wyoming.

20

21 **Section 3.**

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1 (a) The department of transportation shall seek
2 approval from the governor to proceed under section 2 of
3 this act not later than May 1, 2021.

4

5 (b) The department of transportation shall transmit a
6 copy of this act to the Wyoming congressional delegation.
7 The department shall seek the support of the Wyoming
8 congressional delegation in relation to any application or
9 petition filed in accordance with section 2 of this act.

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11 (c) As soon as possible after the effective date of
12 this act, the director of the department of transportation
13 shall convene an unpaid working group of stakeholders,
14 which may include legislators, federal representatives,
15 industry representatives and state agency representatives,
16 to provide feedback to the department regarding
17 implementation of section 2 of this act.

18

1 **Section 4.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)