

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:*

10

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 respond to the
4 application, approve or deny all necessary permits,
5 authorizations and licenses not later than sixty (60)
6 calendar days after receipt of the application.

7
8 (b) As used in this section, "communications company"
9 means a person, or any agent, contractor or subcontractor
10 of the person, who in the course of business, provides
11 services which are telecommunications services, as defined
12 in W.S. 37-15-103(a)(xii), internet protocol enabled
13 service or voice over internet protocol. For purposes of
14 this section only, and notwithstanding any other provision
15 of law, a communications company includes a cable operator
16 as defined in 47 U.S.C § 522(5), provided the cable
17 operator provides any of the services listed in this
18 subsection. As used in this section:

19
20 (c) Nothing in this section shall:

21
22 (i) Authorize communications companies to set or
23 install permanent towers along, across or under any of the

1 public roads, streets and waters of this state or to set
2 communication poles in a state managed right-of-way;

3

4 (ii) Be construed to prohibit a city, town or
5 county from requiring a franchise before issuing any
6 permits, licenses or authorizations as provided by this
7 section.

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

16

17 **Section 3.**

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

22

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

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

14

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

19

20

(END)