

ORIGINAL HOUSE
BILL NO. HB0014

ENROLLED ACT NO. 34, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

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

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

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

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

(a) ~~Corporations~~Persons authorized to do business in this state for the purpose of constructing, maintaining and operating a public utility or communications company may set their fixtures and facilities along, across or under any of the public roads, streets and waters of this state in such manner as not to inconvenience the public in their use. Any public utility or communications company desiring to install its facilities in any city shall first attempt to obtain consent from the city council in accordance with applicable law. A person shall first obtain permission from the state transportation commission or the board of county commissioners in the county where the construction is contemplated before entering upon any state highway or county road for the purpose of commencing the construction. An application for all construction permits, licenses and authorizations to construct broadband facilities on government property or public rights-of-way shall be submitted to the appropriate governing entity as the applicable governing entity may require. Upon receiving an

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application as required in this subsection, any necessary permits, licenses or authorizations shall receive a response, be approved or be denied by the city, department of transportation or the county. Unless a different period is stipulated to by the parties, the city, department of transportation or the county shall respond to the application, approve or deny all necessary permits, authorizations and licenses not later than sixty (60) calendar days after receipt of the application.

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

(c) Nothing in this section shall:

(i) Authorize communications companies to set or install permanent towers along, across or under any of the public roads, streets and waters of this state or to set communication poles in a state managed right-of-way;

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

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

Section 3.

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk