



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4883/1
MDK&MES:kjf

2019 SENATE BILL 835

February 20, 2020 - Introduced by Senators SMITH, RINGHAND, BEWLEY, ERPENBACH, HANSEN, JOHNSON and MILLER, cosponsored by Representatives VRUWINK, MILROY, DOYLE, ANDERSON, BILLINGS, CONSIDINE, EMERSON, OHNSTAD, POPE, SARGENT, SINICKI, SPREITZER, STUBBS and SUBECK. Referred to Committee on Utilities and Housing.

1 **AN ACT to amend** 66.0422 (2) (intro.); and **to create** 66.0422 (3b), 66.0912, 84.01
2 (38) and 196.5047 of the statutes; **relating to:** installation of empty conduit
3 lines as part of a digging project in a right-of-way and offers of service from
4 fiber optic cable broadband lines installed in rights-of-way.

Analysis by the Legislative Reference Bureau

This bill allows a city, village, town, or county or the Department of Transportation to require any person who conducts any special work in the political subdivision's or DOT's right-of-way to install empty conduit lines in any part of the right-of-way in which the person is digging. The bill defines "special work" as construction or maintenance of a sidewalk or highway project. The conduit lines must be suitable for the installation of fiber optic broadband lines. Under the bill, a city, village, or town is allowed to require conduit line installation without complying with notice, hearing, and cost-benefit analysis requirements that, with certain exceptions, apply to broadband, telecommunications, and video service facilities under current law.

The bill also imposes a duty to offer service on an Internet service provider that has installed a fiber optic cable broadband line in a right-of-way of the state or a city, village, town, or county. Under the bill, if requested by the owner of a structure that is 300 feet or fewer from the center line of such a right-of-way, the Internet service provider must offer to provide to the structure the service that is provided over the line.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0422 (2) (intro.) of the statutes is amended to read:

2 66.0422 (2) (intro.) Except as otherwise provided in subs. ~~(3), (3d), (3m), and~~
3 ~~(3n)~~ this section, no local government may enact an ordinance or adopt a resolution
4 authorizing the local government to construct, own, or operate any facility for
5 providing video service, telecommunications service, or broadband service, directly
6 or indirectly, to the public, unless all of the following are satisfied:

7 **SECTION 2.** 66.0422 (3b) of the statutes is created to read:

8 66.0422 (3b) Subsection (2) does not apply to conduit lines that a local
9 government requires to be installed under s. 66.0912 (2).

10 **SECTION 3.** 66.0912 of the statutes is created to read:

11 **66.0912 Installation of conduit in right-of-way. (1) DEFINITIONS.** In this
12 section:

13 (a) “Political subdivision” means any city, village, town, or county.

14 (b) “Right-of-way” means the area on, below, or above a highway, as defined
15 in s. 340.01 (22), other than a highway that is part of the national system of interstate
16 highways; sidewalk; utility easement; or other similar property, including property
17 owned or controlled by the department of transportation.

18 (c) “Special work” means construction or maintenance of a sidewalk project or
19 highway project on a state trunk highway.

20 **(2) REQUIREMENTS FOR THE INSTALLATION OF CONDUIT.** If any person conducts any
21 special work in a political subdivision’s right-of-way that results in the person

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1 digging in the right-of-way, the political subdivision may require the person to
2 install empty conduit lines in any part of the right-of-way in which the person is
3 digging. The empty conduit lines must be suitable for the installation of fiber optic
4 broadband lines.

5 **SECTION 4.** 84.01 (38) of the statutes is created to read:

6 84.01 (38) CONDUIT LINE INSTALLATION. If a person conducts construction or
7 maintenance work on a state trunk highway that results in the person digging in the
8 right-of-way of the state trunk highway, the department may require the person to
9 install empty conduit lines in any part of the right-of-way in which the person is
10 digging. The empty conduit lines must be suitable for the installation of fiber optic
11 broadband lines.

12 **SECTION 5.** 196.5047 of the statutes is created to read:

13 **196.5047 Fiber optic cable broadband lines in rights-of-way. (1)** In this
14 section, “right-of-way” means a right-of-way, as defined in s. 66.0912 (1) (b), of the
15 state or a city, village, town, or county.

16 **(2)** An Internet service provider that has installed a fiber optic cable broadband
17 line in a right-of-way shall, upon the request of an owner of a structure that is 300
18 feet or fewer from the center line of the right-of-way, offer to provide to the structure
19 the service that is provided over the line.

20 **SECTION 6. Initial applicability.**

21 (1) The treatment of ss. 66.0422 (2) (intro.) and (3b), 66.0912, and 84.01 (38)
22 first applies to a project that involves digging in a right-of-way that begins on the
23 effective date of this subsection.

24

(END)