



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4768/1
MES&MDK:kjf

2017 SENATE BILL 844

February 21, 2018 - Introduced by Senators VINEHOUT and RINGHAND, cosponsored by Representatives VRUWINK, ANDERSON, MILROY, SPREITZER, NOVAK, SUBECK, BROSTOFF, BERCEAU and CONSIDINE. Referred to Committee on Elections and Utilities.

1 **AN ACT** *to amend* 66.0422 (2) (intro.); and *to create* 66.0422 (3b), 66.0912 and
2 84.01 (38) of the statutes; **relating to:** installation of empty conduit lines as
3 part of a digging project in a right-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.

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:

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

SENATE BILL 844**SECTION 1**

1 66.0422 (2) (intro.) Except as otherwise provided in subs. ~~(3)~~, ~~(3d)~~, ~~(3m)~~, and
2 ~~(3n)~~ this section, no local government may enact an ordinance or adopt a resolution
3 authorizing the local government to construct, own, or operate any facility for
4 providing video service, telecommunications service, or broadband service, directly
5 or indirectly, to the public, unless all of the following are satisfied:

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

7 66.0422 (3b) Subsection (2) does not apply to conduit lines that a local
8 government requires to be installed under s. 66.0912 (2).

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

10 **66.0912 Installation of conduit in right-of-way. (1) DEFINITIONS.** In this
11 section:

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

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

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

19 **(2) REQUIREMENTS FOR THE INSTALLATION OF CONDUIT.** If any person conducts any
20 special work in a political subdivision’s right-of-way that results in the person
21 digging in the right-of-way, the political subdivision may require the person to
22 install empty conduit lines in any part of the right-of-way in which the person is
23 digging. The empty conduit lines must be suitable for the installation of fiber optic
24 broadband lines.

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

