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.

AN ACT to amend 66.0422 (2) (intro.); and to create 66.0422 (3b), 66.0912 and 84.01 (38) of the statutes; relating to: installation of empty conduit lines as 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:

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

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

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

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

66.0912 Installation of conduit in right-of-way. (1) Definitions. In this
section:

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

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

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

(2) Requirements for the installation of conduit. If any person conducts any
special work in a political subdivision’s right-of-way that results in the person
digging in the right-of-way, the political subdivision may require the person to
install empty conduit lines in any part of the right-of-way in which the person is
digging. The empty conduit lines must be suitable for the installation of fiber optic
broadband lines.

SECTION 4. 84.01 (38) of the statutes is created to read:
84.01 (38) Conduit line installation. If a person conducts construction or maintenance work on a state trunk highway that results in the person digging in the right-of-way of the state trunk highway, the department may require the person to install empty conduit lines in any part of the right-of-way in which the person is digging. The empty conduit lines must be suitable for the installation of fiber optic broadband lines.

SECTION 5. Initial applicability.

(1) This act first applies to a project that involves digging in a right-of-way that begins on the effective date of this subsection.