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

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**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.
SENATE BILL 835

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 subs. (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. 196.5047 of the statutes is created to read:

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

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

SECTION 6. Initial applicability.

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