



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5966/1  
SWB&EHS:cdc

## 2023 ASSEMBLY BILL 1178

March 22, 2024 - Introduced by Representatives SHANKLAND, RATCLIFF, BARE, EMERSON, JOERS, MOORE OMOKUNDE, SINICKI and STUBBS, cosponsored by Senators SMITH, AGARD, L. JOHNSON, LARSON, ROYS and SPREITZER. Referred to Committee on Transportation.

**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 a person who conducts any special work in the right-of-way of the city, village, town, or county or DOT 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 that are required to be installed under the bill must be suitable for the installation of fiber cable optic broadband lines. The bill allows a city, village, or town 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

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Internet service provider must offer to provide to the structure the service that is provided over the line.

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

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***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 a 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; a sidewalk; a 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.

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(2) REQUIREMENTS FOR THE INSTALLATION OF CONDUIT. If a 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 cable 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 cable 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 less 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)

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**SECTION 6**

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

**(END)**