

## HOUSE BILL NO. HB0098

Rights of way-communications services.

Sponsored by: Representative(s) Lindholm, Blake, Clem, Olsen  
and Yin and Senator(s) Nethercott

A BILL

for

1 AN ACT relating to rights-of-way; authorizing communications  
2 companies to install equipment within the rights-of-way of  
3 public roads; providing definitions; and providing for an  
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 1-26-813 and 36-9-118 are amended to  
9 read:

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11 **1-26-813. Right-of-way along public ways granted;**  
12 **permission necessary for new lines.**

13

14 **(a)** Corporations authorized to do business in this  
15 state for the purpose of constructing, maintaining and

1 operating a public utility or communications company may set  
2 their fixtures and facilities along, across or under any of  
3 the public roads, streets and waters of this state in such  
4 manner as not to inconvenience the public in their use. Any  
5 public utility or communications company desiring to install  
6 its facilities in any city shall first attempt to obtain  
7 consent from the city council in accordance with applicable  
8 law. A person shall first obtain permission from the state  
9 transportation commission or the board of county  
10 commissioners in the county where the construction is  
11 contemplated before entering upon any state highway or county  
12 road for the purpose of commencing the construction.

13

14 (b) As used in this section, "communications company"  
15 means a person, or any agent, contractor or subcontractor of  
16 the person, who in the course of business, provides services  
17 which are telecommunications services, as defined in W.S.  
18 39-15-101(a)(xxxix)(U), internet protocol enabled service or  
19 voice over internet protocol. As used in this section:

20

21 (i) "Internet protocol enabled service" means any  
22 service, capability, functionality or application, other than  
23 voice over internet protocol service, using existing internet

1 protocol, or any successor internet protocol, that enables an  
2 end user to send or receive a communication in existing  
3 internet protocol format, or any successor internet protocol  
4 format, utilizing a broadband connection at the end user's  
5 location, regardless of whether the communication is voice,  
6 data or video;

7  
8 (ii) "Voice over internet protocol service" means  
9 any service that:

10  
11 (A) Enables real time, two-way voice  
12 communication originating from or terminating at the user's  
13 location in internet protocol or a successor protocol;

14  
15 (B) Utilizes a broadband connection at the  
16 user's location; and

17  
18 (C) Permits a user to receive a call that  
19 originates on the public switched telephone network and to  
20 terminate a call to the public switched telephone network.

21  
22 **36-9-118. Rights-of-way for public conveyances.**

23

1 The board ~~of land commissioners~~ may, at their discretion,  
2 grant permanent rights-of-way or easements across or upon any  
3 portion of state or school lands, upon such terms as the board  
4 may determine, for any ditch, reservoir, railroad, public  
5 highway, telegraph and telephone lines, communications  
6 company facility or other public conveyances. As used in this  
7 section, communications company means as defined in W.S.  
8 1-26-813.

9

10 **Section 2.** This act is effective July 1, 2019.

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12

(END)