

House File 2296 - Introduced

HOUSE FILE 2296
BY COMMITTEE ON INFORMATION
TECHNOLOGY

(SUCCESSOR TO HF 2035)

A BILL FOR

1 An Act relating to public utility access to public road
2 rights-of-way.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 306.46, subsection 1, Code 2022, is
2 amended to read as follows:

3 1. A public utility may construct, operate, repair,
4 or maintain its utility facilities within a public road
5 right-of-way. An agency, as defined in section 306.2, shall
6 not require a public utility to place its utility facilities
7 within an agency-owned conduit as a condition of accessing
8 a public road right-of-way. The location of new utility
9 facilities shall comply with [section 318.9](#). A utility facility
10 shall not be constructed or installed in a manner that causes
11 interference with public use of the road. An agency shall
12 provide nondiscriminatory access to a public road right-of-way
13 and to an agency-owned conduit for purposes of public
14 utilities' broadband deployment.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill prohibits a governmental body which exercises
19 jurisdiction over roadways (agency) from requiring a public
20 utility to place utility facilities within an agency-owned
21 conduit as a condition of accessing a public road. An agency
22 in control of a road must provide nondiscriminatory access
23 to the road and nondiscriminatory access to an agency-owned
24 conduit for projects related to broadband infrastructure.
25 Current law is silent as to whether an agency can require a
26 public utility to use an agency's conduit as a condition of
27 accessing a public road.