

**Senate Study Bill 3057 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON SCHULTZ)

**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.