House File 2296 - Reprinted

(As Amended and Passed by the House February 23, 2022)

A BILL FOR

1 An Act relating to broadband infrastructure installation
2   pursuant to a public road right-of-way or municipality-owned
3   conduit.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 **Section 1.** Section 477.1, Code 2022, is amended to read as
2 follows:
3   **477.1 Right-of-way.**
4   Any person, firm, and corporation, within or without the
5 state, may construct a telegraph or telephone line or cable
6 system along the public roads of the state, or across or under
7 the rivers or over, under, or through any lands belonging to
8 the state or any private individual, and may erect or install
9 necessary fixtures. However, construction of a telegraph or
10 telephone line or cable system along a primary road is subject
11 to rules adopted by the state department of transportation.
12 For purposes of this subchapter, broadband infrastructure, as
13 defined in section 477.1A, shall be considered a necessary
14 fixture erected or installed in connection with a cable system.
15   Sec. 2. NEW SECTION. **477.1A Broadband infrastructure ——**
16 **right-of-way.**
17   1. For purposes of this section, unless the context
18 otherwise requires:
19   *a. "Broadband infrastructure"* means the same as defined in
20 section 8B.1.
21   *b. "Municipality"* means the same as defined in section
22 419.1.
23   2. A municipality shall provide nondiscriminatory access
24 along a public road right-of-way and to a municipality-owned
25 conduit for the installation of broadband infrastructure for
26 the purpose of providing broadband services to the public. A
27 municipality shall not require a service provider to place the
28 broadband infrastructure within a municipality-owned conduit
29 as a condition of accessing a public road right-of-way. The
30 location of broadband infrastructure shall comply with section
31 318.9.