HOUSE FILE 2296
BY COMMITTEE ON INFORMATION TECHNOLOGY

(SUCCESSOR TO HF 2035)

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

A BILL FOR

An Act relating to broadband infrastructure installation pursuant to a public road right-of-way or municipality-owned conduit.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 477.1, Code 2022, is amended to read as follows:

477.1 Right-of-way.

Any person, firm, and corporation, within or without the state, may construct a telegraph or telephone line or cable system along the public roads of the state, or across or under the rivers or over, under, or through any lands belonging to the state or any private individual, and may erect or install necessary fixtures. However, construction of a telegraph or telephone line or cable system along a primary road is subject to rules adopted by the state department of transportation. For purposes of this subchapter, broadband infrastructure, as defined in section 477.1A, shall be considered a necessary fixture erected or installed in connection with a cable system.

Sec. 2. NEW SECTION. **477.1A Broadband infrastructure —— right-of-way.**

1. For purposes of this section, unless the context otherwise requires:

a. "Broadband infrastructure" means the same as defined in section 8B.1.

b. "Municipality" means the same as defined in section 419.1.

2. A municipality shall provide nondiscriminatory access along a public road right-of-way and to a municipality-owned conduit for the installation of broadband infrastructure for the purpose of providing broadband services to the public. A municipality shall not require a service provider to place the broadband infrastructure within a municipality-owned conduit as a condition of accessing a public road right-of-way. The location of broadband infrastructure shall comply with section 318.9.