

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator K. Ingram
6

A Bill

SENATE BILL 588

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE USE OF THE
9 PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING THE USE OF
13 THE PUBLIC RIGHT-OF-WAY.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Title 14, Chapter 296, Subchapter 1, is
20 amended to add an additional section to read as follows:

21 14-296-102. Use of right-of-way.

22 (a) As used in this section, "video service provider" means an entity
23 providing video programing services through wireline facilities located at
24 least in part in the public rights-of-way without regard to delivery
25 technology.

26 (b) The following entities may use the public right-of-way of a
27 municipal or county street, road, or highway for the purpose of installing,
28 constructing, maintaining, laying, or erecting pipelines, sewers, conduits,
29 cables, wires, appurtenances, structures, poles, ditches, railways, or any
30 other purpose, under an existing agreement or permit or an agreement or
31 permit hereinafter made by a state or local governmental entity or under
32 existing laws:

33 (1) A political subdivision;

34 (2) A rural electric cooperative;

35 (3) A telephone company and cooperative;

36 (4) A video service provider or a cable company; or



1 (C) A telephone company and cooperative;

2 (D) A video service provider or a cable company; or

3 (E) Any other telecommunication provider that uses fiber
4 optic cable to provide network connectivity.

5 (2) The commission or the owner of any property underlying or
6 abutting the public right-of-way of a state highway shall not regulate or
7 interfere with the use of the public right-of-way by an entity authorized by
8 subdivision (b)(1) of this section provided that the entity's use does not
9 interfere with the use of the public right-of-way for highway purposes.

10 (3) Except as provided by law, an entity authorized by
11 subdivision (b)(1) of this section shall not owe the owner of any property
12 underlying or abutting the public right-of-way, the commission, or any other
13 party any compensation for use of the public right-of-way, including without
14 limitation compensation in the form of:

15 (A) Permitting fees;

16 (B) Licensing fees;

17 (C) Administrative fees;

18 (D) Engineering fees;

19 (E) Insurance fees; or

20 (F) Construction fees.

21
22 SECTION 3. Arkansas Code § 27-67-304, concerning the use of a state
23 highway right-of-way, is amended to add an additional subsection to read as
24 follows:

25 (d) As used in this section, "video service provider" means an entity
26 providing video programing services through wireline facilities located at
27 least in part in the public rights-of-way without regard to delivery
28 technology.