1	State of Arkansas	A D:11	
2	92nd General Assembly	A Bill	
3	Regular Session, 2019		SENATE BILL 588
4			
5	By: Senator K. Ingram		
6			
7		For An Act To Be Entitled	
8		AMEND THE LAW CONCERNING THE USE OF	THE
9	PUBLIC RIC	GHT-OF-WAY; AND FOR OTHER PURPOSES.	
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11		C. Latal.	
12		Subtitle	
13		MEND THE LAW CONCERNING THE USE OF	
14	THE	PUBLIC RIGHT-OF-WAY.	
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16	DE TO ENVOORD DA MILE (CENEDAL ACCEMBLY OF THE CTATE OF ADIZA	NCAC.
17 18	BE II ENACIED BY THE C	GENERAL ASSEMBLY OF THE STATE OF ARKA	INSAS:
10 19	CECTION 1 Amir	ansas Code Title 14, Chapter 296, Sub	ahantar 1 ia
20		itional section to read as follows:	chapter 1, is
21		e of right-of-way.	
22		this section, "video service provide	r" means an entity
23		aming services through wireline facil	-
24		oublic rights-of-way without regard t	
25	technology.	yabito rigito or way without rogard o	<u>o dollvolj</u>
26		ing entities may use the public right	-of-way of a
27		treet, road, or highway for the purpo	-
28	-	ning, laying, or erecting pipelines,	_
29	- -	enances, structures, poles, ditches,	<u> </u>
30		an existing agreement or permit or an	
31		de by a state or local governmental e	
32	existing laws:	-	
33	(1) A pol	litical subdivision;	
34		ral electric cooperative;	
35		lephone company and cooperative;	
36	(4) A vić	deo service provider or a cable compa	.nv: or

1	(5) Any other telecommunication provider that uses fiber optic
2	cable to provide network connectivity.
3	(c) A state or local governmental entity or the owner of any property
4	underlying or abutting the public right-of-way of a county or municipal
5	street, road, or highway shall not regulate or interfere with the use of a
6	public right-of-way by an entity authorized by subsection (b) of this section
7	provided that the entity's use does not interfere with the use of the public
8	right-of-way for transportation purposes.
9	(d)(l) Except as otherwise provided by law, an entity authorized by
10	subsection (b) of this section to use a public right-of-way shall not owe the
11	owner of any property underlying or abutting the public right-of-way or owe a
12	state or local governmental entity any compensation for use of the public
13	right-of-way, including without limitation compensation in the form of:
14	(A) Permitting fees;
15	(B) Licensing fees;
16	(C) Administrative fees;
17	(D) Engineering fees:
18	(E) Insurance fees; or
19	(F) Construction fees.
20	(2) This section does not limit the authority of a municipality
21	to impose a franchise fee under § 14-200-101.
22	
23	SECTION 2. Arkansas Code § 27-67-304(b), concerning the use of a state
24	highway right-of way, is amended to read as follows:
25	(b)(1) Political subdivisions, rural electric cooperatives, rural
26	telephone cooperatives, private television cables, and public utilities of
27	the state The following entities may use any public right-of-way or land,
28	property, or interest therein, the property of the State Highway Commission,
29	for the purpose of laying or erecting pipelines, sewers, wires, poles,
30	ditches, railways, or any other purpose, under existing agreements or permits
31	or such <u>an</u> agreements <u>agreement</u> or permits <u>permit</u> hereinafter made by the
32	commission State Highway Commission or under existing laws, provided that
33	such use does not interfere with the public use of the property for highway
34	purposes :
35	(A) A political subdivision;
36	(B) A rural electric cooperative;

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)(l) 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.
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