
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 651 Original

2020 Regular Session

Deshotel

Abstract: Provides for broadband service provider right of use over public property to construct and maintain broadband systems and provides for the crossing of broadband systems near, under, and above railroad tracks and rights-of-way.

Proposed law provides definitions for the clarification of proposed law.

Proposed law establishes that broadband service providers have the right of use along all public roads or public works, along and parallel to railroads, and along and over the waters of the state if the ordinary use of the roads, works, railroads and waters are not obstructed, and along city streets with the consent of the city governing authority.

Further, proposed law provides that a broadband service provider may construct broadband systems that cross under or over the tracks of railroads in a manner that does not obstruct the use of the railroad.

Proposed law provides that if a broadband system is to be placed within the right-of-way of a highway or road that crosses the railroad tracks, the broadband service provider shall not be required to pay the railroad any compensation other than the direct expenses related to the proposed crossing, not to exceed \$500.

Proposed law provides that if the broadband service provider constructs a broadband system outside a right-of-way then the broadband service provider shall not be required to pay the railroad any compensation other than the direct expenses related to each crossing, not to exceed \$500, plus a one-time standard crossing fee, not to exceed \$500.

Proposed law provides that the standard crossing fee shall be in lieu of any license or any other fees or charges to reimburse the railroad for the direct expenses.

Proposed law requires a broadband service provider to notify a railroad of the following by certified mail at least 30 days before beginning a crossing:

- (1) Notification of the crossing.
- (2) A statement indicating that each party shall maintain and repair its own property and bear responsibility for its own actions or misgivings. The broadband service provider, however, will maintain responsibility for any bodily injury or property damage that would typically be

covered under a railroad liability insurance policy.

- (3) Proof of at least \$2,000,000 of insurance.
- (4) An engineering design for the placement of the crossing within recent accepted guidelines.

Proposed law does not allow a railroad to adopt any additional processes or regulations regarding the broadband service provider's crossing activity.

Proposed law provides that the railroad company has 30 days to review the notice and that they shall allow the construction of the crossing unless they know of a serious threat to safety. Further, proposed law provides that if a threat exists, the railroad company shall notify the broadband service provider of the threat by certified mail.

Proposed law provides that if the two parties do not agree upon a time of construction within 60 days, that the broadband service provider has a right to commence with the crossing as stated in the notice.

Proposed law provides that complaints can be addressed in district court and that a railroad shall prove that any denial of a proposed crossing fails to comply with proposed law by clear and convincing evidence.

(Adds R.S. 45:1611 - 1613)