

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2599

By Delegates Linville, Cannon, Keaton, Adkins,
Chiarelli, Sheedy, Coop-Gonzalez, Barnhart, Clark
and Holstein

[Introduced January 17, 2023; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the Code of the West Virginia, 1931, as amended, by adding thereto a new
2 section, designated §31G-4-2a, relating to creating the utility pole rights-of-way and
3 easement mapping initiative; requiring pole owners to provide information to the
4 Department of Economic Development to map the poles; requiring the Department of
5 Economic Development to create maps with specific information about the poles; requiring
6 confidentiality of information about electrical facilities connected to poles; allowing the
7 Department of Economic Development to provide information to parties who demonstrate
8 the need for the information to determine feasibility of projects; requiring confidentiality
9 agreement of any requestor of the information; and providing exception to reporting if pole
10 owner provides information directly to telecommunications entity.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. MAKE-READY POLE ACCESS.

§31G-4-2a. Utility Pole Rights-of-Way and Easement Mapping Initiative.

1 (a) Beginning July 1, 2023, every pole owner must furnish to the Department of Economic
2 Development, in a timely manner, all information which they have required to be furnished by
3 attachers since January 1, 2018, or from such time as necessary and available, to accurately map
4 the locations, class, number of attachments, weight, and such other information as the
5 Department of Economic Development deems necessary to accurately map and present the data,
6 including, but not limited to, all engineering reports or other documentation.

7 (b) The Department of Economic Development is hereby required to utilize this information
8 to produce a map, which is to include information, where available, delineating the following:

9 (1) Class of poles;

10 (2) Age of utility poles,

11 (3) Distance between poles,

12 (4) Weight between those spans; and

13 (5) What is attached in the communications space on those poles.

14 (c) A pole owner shall not be required to disclose the details of any electrical facilities
15 attached to the utility pole and the Department of Economic Development shall not publish
16 information related there to, except any information in the aggregate for that pole or the spans
17 between multiple poles related to weight thereon.

18 (d) This map is to be made available by the Department of Economic Development at no
19 cost to afford potential attachers considering projects to quickly gain information to determine
20 feasibility of a project. The Department of Economic Development shall require a confidentiality or
21 nondisclosure agreement to access any data mapped relating to the Utility Pole Rights-of-Way
22 and Easement Mapping Initiative. The Department of Economic Development shall limit access to
23 such maps to only those persons or entities interested in or engaging in the installation of
24 telecommunications facilities, their vendors, engineers, consultants, or other persons a potential
25 attacher reasonably needs to review such information.

26 (e) If a pole owner furnishes to a requesting telecommunications entity who has requested
27 to the pole owner to potentially attach to its poles:

28 (1) The latitude and longitude of all poles within the requested geographic area,

29 (2) In an electronic file or other format,

30 (3) At no cost; and

31 (4) Once a nondisclosure agreement is entered into between pole owner and the
32 requesting telecommunications entity. The information thus provided by the pole owners can then
33 be used by the requesting entity to produce a map.

34 (f) If a pole owner certifies in a sworn affidavit to the Department of Economic Development
35 that the owner has produced and made available to attachers such a map as described in this
36 section with at least the same information included and without cost to access, then the pole owner
37 shall not be required to share this information with the state and the department shall not be
38 required to map those utility poles. The Department of Economic Development shall review any
39 such map a pole owner claims meets these requirements annually, and if the map produced by the

40 pole owner is materially deficient and has not met the requirements set forth herein, the pole
41 owner will once again be required to provide the foregoing information to the department to be
42 mapped.

NOTE: The purpose of this bill is to create the utility pole rights-of-way and easement mapping initiative; to require pole owners to provide information to the Department of Economic Development to map the poles; required the Department of Economic Development to create maps with specific information about the poles; to mandate confidentiality of information about electrical facilities connected to poles; to allow the Department of Economic Development to provide information to parties who demonstrate the need for the information to determine feasibility of projects; to mandate confidentiality agreement of any requestor of reported information; and to provide exception to reporting if pole owner provides information directly to telecommunications entity.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.