

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4706

By Delegate Linville

[Originating in the Committee on the Judiciary;

Reported on February 16, 2024]

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, 2024, 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: *Provided*, That nothing
7 in this section shall be construed as requiring pole owners to furnish information to the Department
8 of Economic Development that pole owners have not already obtained from attachers.

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

- 11 (1) Class of poles;
- 12 (2) Age of utility poles,
- 13 (3) Distance between poles,

14 (4) Weight between those spans; and

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

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

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

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

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

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

32 (3) At no cost; and

33 (4) A nondisclosure agreement is entered into between pole owner and the requesting
34 telecommunications entity; then, the information thus provided by the pole owners can be used by
35 the requesting entity to produce a map.

36 (f) If a pole owner certifies in a sworn affidavit to the Department of Economic Development
37 that the owner has produced and made available to attachers such a map as described in this
38 section with at least the same information included and without cost to access, then the pole owner
39 shall not be required to share this information with the state and the department shall not be

40 required to map those utility poles. The Department of Economic Development shall review any
41 such map a pole owner claims meets these requirements annually, and if the map produced by the
42 pole owner is materially deficient and has not met the requirements set forth herein, the pole
43 owner will once again be required to provide the foregoing information to the department to be
44 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.