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MEMORANDUM

To: House Committee on Energy, Utilities and Telecommunications
From: Office of Revisor of Statutes
Date: February 16, 2023
Subject: House Bill 2237 – Bill Brief

House Bill 2237 amends K.S.A. 17-1902 relating to the use of the public right-of-way by providers of telecommunications and video services within cities. HB 2237 would amend such law to grant such providers the same the same rights, duties and obligations to operate within the county right-of-way as such providers currently have for city right-of-way.

Current Law - K.S.A. 17-1902

K.S.A. 17-1902 gives telecommunications providers and video service providers the right to construct, maintain and operate facilities within the public right-of-way in any city if such use does not interfere with usual travel, public safety, or other lawful uses of the right-of-way. Such right is subject and subordinate to the reasonable health, safety and welfare requirements and regulations of the city. A city may exercise home rule powers to administer and regulate the public right of way if it is done in a competitively neutral manner and is not unreasonable or discriminatory. The law prohibits cities from enacting any unreasonable condition, requirement or barrier for use of the public right-of-way by a provider.

The statute also provides that cities may assess certain fees for the use of the public right-of-way provided that the fees reimburse the city for the reasonable, actual and verifiable costs of managing the city right-of-way and provided that such fees are assessed in a nondiscriminatory and competitively neutral manner. Additionally, the statute contains other various provisions concerning procedures, limitations and authorizations as they relate to the regulation of the right-of-way in cities.