

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 656, Page 4, Section 67.1830, Line 113,
2 by inserting immediately after all of said section and line the following:

3
4 "67.1832. 1. In addition to any other grants for the use of public thoroughfares, and
5 pursuant to this section, a political subdivision shall grant its consent to a public utility right-of-way
6 user authorized to do business pursuant to the laws of this state or by license of the Federal Energy
7 Regulatory Commission, United States Department of Transportation, or the Federal
8 Communications Commission to construct, maintain and operate all equipment, facilities, devices,
9 materials, apparatuses, or media including but not limited to, conduits, ducts, lines, pipes, wires,
10 hoses, cables, culverts, tubes, poles, towers, manholes, transformers, regulator stations, underground
11 vaults, receivers, transmitters, satellite dishes, micro cells, Pico cells, repeaters, or amplifiers
12 useable for the transmission or distribution of any service or commodity installed below or above
13 ground in the public right-of-way; provided that, no political subdivision shall require any
14 conditions that are inconsistent with the rules and regulations of the Federal Energy Regulatory
15 Commission, United States Department of Transportation, Federal Communications Commission or
16 the Missouri public service commission.

17 2. Pursuant to this section, a political subdivision may manage its public rights-of-way and
18 may recover its rights-of-way management costs as set forth in sections 67.1830 to 67.1846. The
19 authority granted in this section may be authorized at the option of the political subdivision, and the
20 exercise of this authority is not mandated pursuant to this section. A political subdivision may, by
21 ordinance:

22 (1) Require a public utility right-of-way user seeking to excavate within a public right-of-
23 way to obtain a right-of-way permit and to impose permit conditions consistent with the political
24 subdivision's management of the right-of-way;

25 (2) Require public utility right-of-way users to provide required notice to the political
26 subdivision by submitting plans for anticipated construction projects that require excavation within
27 the public right-of-way; ~~and~~

28 (3) In cases of emergency, public utility right-of-way users may proceed with required work
29 without a permit; however, a political subdivision may require submission of the necessary
30 information and permit fee following the emergency~~[-]; and~~

31 (4) Notwithstanding any provision of law to the contrary, prohibit cell tower structures from
32 locating within the public right-of-way."; and

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34 Further amend said bill, Page 16, Section 67.5101, Line 76, by deleting the word "and"; and

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36 Further amend said bill and section, Page 17, Line 80, by deleting all of said line and inserting in

Action Taken _____ Date _____

1 lieu thereof the following:

2
3 "communications facility, other than a small wireless facility, in the right-of-way; and
4 (12) Notwithstanding any provision of law to the contrary, an authority may, if applicable,
5 regulate the time and manner of the excavation, modification, or obstruction of public right-of-
6 ways, for work related to small wireless facilities."; and
7

8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.