

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2856

By Delegates Linville and Hillenbrand

[Originating in the Committee on Energy and Public

Works; Reported on March 11, 2025]

1 A BILL to amend and reenact §31G-6-1 of the Code of West Virginia, 1931, as amended, relating
2 to pre-emption for broadband services; providing for the installation of telecommunication
3 facilities on property with conservation easements; stating means to secure permission to
4 achieve the same; and recognizing that this provision does not abrogate existing eminent
5 domain rights.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 6. PRE-EMPTION OF CONFLICTING LOCAL ORDINANCES AND PRIVATE
RESTRICTIONS**

**§31G-6-1. Pre-emption in favor of broadband services; construction of language in
agreements; installation of telecommunication facilities; preservation of eminent
domain rights.**

1 (a) Notwithstanding any other provision of the West Virginia Code or the West Virginia
2 Code of State Rules to the contrary, any ordinance of any political subdivision relating to
3 broadband service is hereby pre-empted to the extent necessary in favor of such broadband
4 installation.

5 (b) No corporate policy, organizational policy, institutional policy, agreement, contract, or
6 other like document, including the rules and regulations of any Home Owners Association, or any
7 similar entity or organization, promulgated or made effective after the effective date of this section,
8 may regulate or prevent the exterior installation of antennas and equipment necessary to or
9 typically utilized for broadband deployment and the terms of any such document shall be strictly
10 construed in favor of encouraging and assisting broadband installation and deployment.

11 (c) The installation of telecommunications facilities, including any cable, line, fiber, wire,
12 conduit, innerduct, handhole or pedestal that is used to transmit, receive, produce or distribute a
13 signal for telecommunications purposes via wireline, electronic, or optical means, which does not
14 adversely affect the conservation values of protected property, shall not be unreasonably withheld

15 by the conservation easement holder. Such permission can be affected through the conservation
16 easement language; through a conservation plan which addresses both location and depth of the
17 fiber optics installation; or through court action for those easements already recorded where
18 permission to install is prohibited by existing conservation easement language. In addition,
19 nothing in this section shall prohibit a broadband provider offering telephone and other
20 communications services from exercising their existing eminent domain rights as a public use
21 under §54-1-2 of this code.

NOTE: The purpose of this bill is to allow the installation of fiber optics on property with conservation easements.

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