



Montana Association of Counties  
2715 Skyway Drive  
Helena, MT 59602-1213  
(p) 406.449.4360 | (f) 406.442.5238  
[maco@mtcounties.org](mailto:maco@mtcounties.org) | [www.mtcounties.org](http://www.mtcounties.org)

RESOLUTION 2022-03

## CLARIFY THAT STATE AND COUNTY UTILITY CORRIDORS, EASEMENTS, AND RIGHTS-OF-WAYS MAY BE UTILIZED FOR BROADBAND DEPLOYMENT

It is the intent of the Montana Association of Counties to clarify laws pertaining to the State of Montana, city and county road easements, utility corridors, and rights-of-way in such a way that they may be utilized for broadband deployment.

**WHEREAS** broadband deployment has become a national priority for commerce, health care, education, and quality of life; and

**WHEREAS** Montana law does not specifically reference that easements, utility corridors, and rights-of-ways can be utilized for the deployment of non-regulated broadband access through fiber or other technological methods; and

**WHEREAS** this lack of specificity has led to the interpretation that these easements, utility corridors, and rights-of-ways are not available for use by non-regulated broadband providers.

**NOW, THEREFORE BE IT RESOLVED** that the Montana Association of Counties will seek legislation to clarify the law by expressly authorizing the use of easements, utility corridors, and rights-of-ways for the deployment of broadband capability regardless of whether these access rights are held by the State of Montana, a city, town, county, and/or dedicated to the public.

<b>SPONSOR:</b>	CASCADE COUNTY
<b>REFERRED TO:</b>	TRANSPORTATION COMMITTEE; AND COMMUNITY, ECONOMIC DEVELOPMENT & LABOR COMMITTEE (CEDL)
<b>ADOPTED:</b>	ANNUAL CONFERENCE – SEPTEMBER 28, 2022