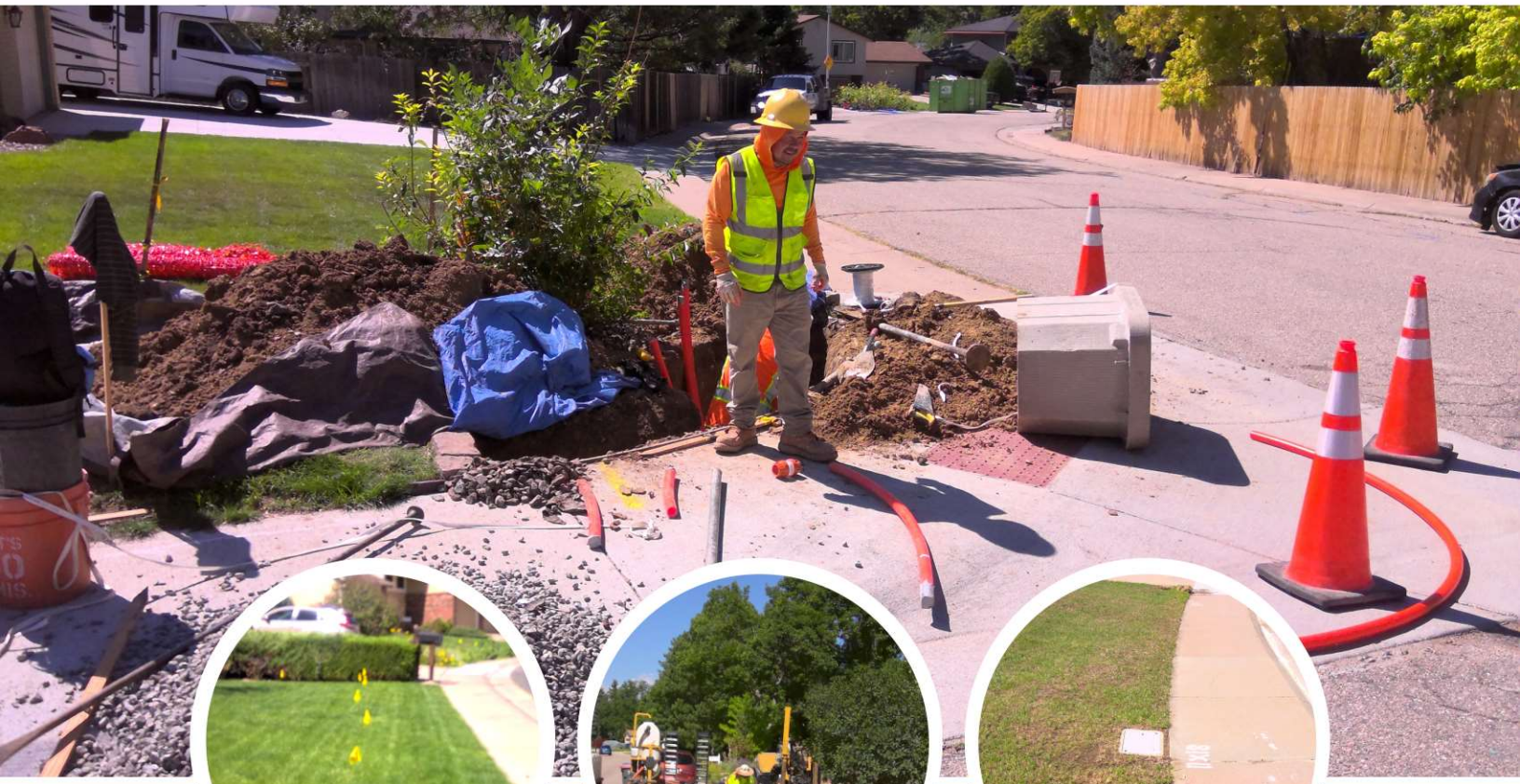


Fiber Installation Within Jefferson County Right-of-Way



As a Jefferson County resident, you may be wondering why crews are installing fiber in your area. The Colorado General Assembly has deemed the regulation of broadband a matter of statewide concern and limited the ability of local governments to regulate the location of broadband in the local rights-of-way. Under this legislation, broadband providers are provided the authority to locate in public rights-of-way. Learn more about fiber installation in Jefferson County right-of-way on the back of this flyer, or visit the website below.

More information:
www.jeffco.us/4660

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Broadband Installation in Right-of-Way Frequently Asked Questions

- **Why is a private enterprise granted access to this right-of-way?**

Pursuant to § 38-5.5-101 through §38-5.5-109, C.R.S, the Colorado General Assembly has deemed the regulation of broadband a matter of statewide concern and limited the ability of local governments to regulate the location of broadband in the local rights-of-way. Under this legislation, broadband providers are provided the authority to locate in public rights-of-way. According to § 38-5.5-103 (1)(a), C.R.S., broadband providers authorized to do business in Colorado have the right to “construct, maintain and operate conduit, cable, switches, and related appurtenances and facilities and communications and broadband facilities, including small cell facilities and small cell networks,” in the public right-of-way.

Furthermore, under § 38-5.5-103 C.R.S., local governments such as Jefferson County, are prohibited from discriminating or granting a preference in the issuance of permits or passage of ordinances for the use of its rights-of-way. Likewise, local governments such as Jefferson County, are prohibited from erecting any unreasonable requirements for the use of its rights-of-way by broadband providers.

- **Do I have any recourse in moving this box off my property?**

Because the General Assembly has deemed the location of broadband in local rights-of-way a matter of statewide concern, Jefferson County does not have the authority to remove the box from the right-of-way. §38-5.5-103(1)(b), C.R.S.

- **Does Jefferson County receive compensation from broadband providers that install equipment in public right-of-way?**

The General Assembly limited the permissible taxes, fees, and charges that may be charged by local governments such as Jefferson County for location of broadband facilities in the public rights-of-way. § 38-5.5-107 C.R.S. Generally, any fees and charges must be reasonably related to the direct costs incurred in the provision of services related to the granting or administration of permits. § 38-5.5-107 C.R.S. (1)(b) and must be competitively neutral. § 38-5.5-107 C.R.S. (2)

- **Is it possible other private entities could lay more fiber, and build more drop boxes, along this right-of-way? If so, how many companies could build on this right-of-way?**

Co-location of broadband facilities in the public right-of-way is authorized under § 38-5.5-104.5C.R.S.

- **Will broadband providers be subject to any price controls or other public oversight since they are using this right-of-way?**

Given that the regulation of broadband and its location in the right-of-way has been deemed by the General Assembly a matter of statewide concern, Jefferson County is not in a position to respond to this issue, as its authority has been limited by state law.

For more information, please visit Jefferson County’s Broadband Program page at <https://www.jeffco.us/4660/Broadband-Program>.