

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 7, 1999

LB 496

cities to require telecommunication companies to use the right of way to repair or to pay for any damages caused by the right of way or to the street?

SPEAKER KRISTENSEN: Yeah, yes, 496 still requires that the telephone companies pay for the damage and repair and return and restore the street the way it was. Now, I think there is some responsibility here of the city to be out there and have somebody kind of overseeing that and inspecting it, to make sure that it's done correctly because you could get some...they're going to have some third party contractors come in there, going to pitch a bunch of dirt in the hole, tamp it once, concrete over it. Well, are you going to get a sinkhole? You might. Now that's where the city probably has some responsibility to say, now wait a minute, good practices, you're going to do this thing correctly, and you're going to put the proper fill dirt in here, you're going to tamp it down, you're going to make it settle, you're not just going to cobble it up, that's the best term I can have. You can still require them to pay for those damages, to put it back...and to put it back correctly,...

SENATOR TYSON: Okay.

SPEAKER KRISTENSEN: ...but then that's the end of it.

SENATOR TYSON: The concern, I think, especially is in the...

SENATOR BOHLKE: One minute.

SENATOR TYSON: ...smaller...smaller town, the village that may not have the professional staff in the city to do that. Along those lines, under 496, can a city still require that a telecommunications company provide a bond to insure that the repairs are made and are paid for?

SPEAKER KRISTENSEN: Yes, 496 doesn't in any manner that I know of, or it was certainly not my intent that that would somehow forestall a surety bond. I think they always have the right, and would still continue the right, if the bill passes, to have a surety bond.

SENATOR TYSON: Okay. If the right of way on a certain street