

HOUSE BILL No. 1041

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-26.6.

Synopsis: Line maintenance in public rights-of-way. Sets forth minimum standards and requirements for the installation and maintenance of communications service or utility service facilities (facilities) in a public right-of-way. Defines a "permittee" as: (1) a person to whom an initial permit or authorization for the installation of a facility in a public right-of-way is granted by a unit; or (2) a service provider responsible for maintaining a facility that has been installed in a public right-of-way. Defines a "line pollution violation" as a violation attributable to a permittee and involving: (1) noncompliance with any standard or requirement set forth in the bill; or (2) the presence of any damaged, abandoned, loose, or improperly secured facilities within a public right-of-way. Provides that a permittee responsible for a line pollution violation is liable to the unit owning the public right-of-way for a fine in an amount determined by the unit, but not to exceed: (1) \$500 per violation for each day the violation remains uncured; or (2) a total fine of \$2,500. Requires a permittee to ensure that any person responsible for installing, replacing, relocating, or repairing any underground facility that is owned or operated by the permittee and located within a public right-of-way complies with the requirements set forth in: (1) Indiana's statute concerning underground utility facilities; and (2) any applicable local ordinance or regulation; with respect to any work involving drilling, trenching, boring, hand digging, or plowing.

Effective: July 1, 2026.

Davis, Greene, Bartels, Shonkwiler

December 2, 2025, read first time and referred to Committee on Utilities, Energy and Telecommunications.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1041

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-26.6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]:
- 4 **Chapter 26.6. Line Maintenance in Public Rights-of-Way; Line**
- 5 **Pollution Violations**
- 6 **Sec. 1. This chapter applies to:**
- 7 **(1) an initial installation of facilities in a public right-of way;**
- 8 **and**
- 9 **(2) the ongoing maintenance of facilities located in a public**
- 10 **right-of-way.**
- 11 **Sec. 2. As used in this chapter, "facility" means any:**
- 12 **(1) line;**
- 13 **(2) cable;**
- 14 **(3) conduit;**
- 15 **(4) housing;**
- 16 **(5) structure; or**
- 17 **(6) other equipment;**



used in furnishing communications service (as defined in IC 8-1-32.5-3) or utility service to the public.

Sec. 3. As used in this chapter, "line pollution violation" means a violation involving:

(1) noncompliance with any standard or requirement set forth in section 6 or 7 of this chapter with respect to the installation and maintenance of a facility in a public right-of-way; or

(2) the presence of any damaged, abandoned, loose, or improperly secured facilities within a public right-of-way;

attributable to a permittee.

Sec. 4. (a) As used in this chapter, "permittee" refers to:

(1) a person to whom an initial permit or other authorization for the installation of a facility in a public right-of-way is granted by a unit; or

(2) a service provider responsible for maintaining a facility that has been installed in a public right-of-way;

as the context requires.

(b) The term includes an agent, including a contractor or subcontractor, of a person described in subsection (a)(1) or (a)(2).

Sec. 5. As used in this chapter, "unit" means a:

(1) county; or

(2) municipality (as defined in IC 36-1-2-11);

authorized by IC 8-1-2-101 to regulate the occupation and use of a public right-of-way.

Sec. 6. Notwithstanding IC 8-1-2-101(a), the following minimum standards apply to the installation and maintenance of a facility in a public right-of-way:

(1) The installation, placement, and storage of cables and conduit in a public right-of-way must comply with all applicable federal, state, and local laws, regulations, and guidelines.

(2) Aerial cables must be properly secured overhead and may not hang loose or be placed at ground level. Cables that are abandoned or inactive must be removed and properly disposed of.

(3) Cables transitioning from an overhead placement to an underground placement must be secured in proper pole riser guards, with no loose cables hanging overhead.

(4) Conduit rising out of the ground at a pole must be fastened to the bottom of the pole and may not be allowed to dangle or sway.

(5) Conduit that:



(A) rises out of the ground; and

(B) is not secured:

(i) to a pole; or

(ii) in a structure;

may not lie loose on the ground. Upon discovering or receiving notice of the presence of unsecured conduit in the right-of-way, the permittee shall place proper barriers around the conduit to prevent potential hazards until the conduit can be placed in proper facilities. Not later than fourteen (14) days after receiving notice of the presence of unsecured conduit in the right-of-way, the permittee shall cause the conduit to be placed in proper facilities.

(6) Structures buried in hand holes and vaults must be installed at grade and must be in working condition. Upon discovering or receiving notice of any damaged structure, the permittee shall secure the structure and place proper barriers around the structure to prevent harm to the public until the structure can be repaired or replaced. Not later than fourteen (14) days after receiving notice of a damaged structure, the permittee shall cause the structure to be repaired or replaced.

(7) Vertical structures, including:

(A) pedestals;

(B) cable housing units; and

(C) cabinets;

that are damaged or inoperable must be replaced or removed. Upon discovering or receiving notice of a damaged or inoperable vertical structure, the permittee shall secure the vertical structure and place proper barriers around the structure to prevent harm to the public until the vertical structure can be replaced or removed. Not later than fourteen (14) days after receiving notice of a damaged or inoperable vertical structure, the permittee shall cause the damaged or inoperable structure to be replaced or removed.

(8) To the extent practicable, each facility, or grouping of related facilities, installed in a public right-of-way by or on behalf of a permittee must include the name of, and contact information for:

(A) the permittee; and

(B) in the case of a permittee described in section 4(a)(1) of this chapter, any permittee described in section 4(a)(2) of this chapter that acts on behalf of the permittee described in section 4(a)(1) of this chapter to maintain the facility, or



grouping of facilities, installed in the public right-of-way.

Sec. 7. (a) This section applies to equipment that:

- (1) is used by an agent of a permittee to install, place, store, maintain, repair, or replace one (1) or more facilities in a public right-of-way; and
- (2) remains in the public right-of-way on a temporary or permanent basis during or after the installation, placement, storage, maintenance, repair, or replacement of one (1) or more facilities in the public right-of-way.

(b) As used in this section, "agent", with respect to a permittee, includes the following:

- (1) A contractor or subcontractor of the permittee, in the case of a permittee described in section 4(a)(1) or 4(a)(2) of this chapter.
- (2) In the case of a permittee described in section 4(a)(1) of this chapter, a permittee described in section 4(a)(2) of this chapter that acts on behalf of the permittee described in section 4(a)(1) of this chapter to maintain a facility installed in a public right-of-way.

(c) Equipment described in subsection (a) must be clearly marked with the name of, and contact information for:

- (1) the agent owning or using the equipment for a purpose described in subsection (a); and
- (2) the permittee on whose behalf the agent is acting in connection with a purpose described in subsection (a).

Sec. 8. A permittee responsible for a line pollution violation is liable to the unit owning the public right-of-way for a fine in an amount determined by the unit, but not to exceed five hundred dollars (\$500) per violation for each day the line pollution violation remains uncured after any date of compliance required by the unit. The total amount of a fine imposed by a unit under this section for an uncured violation may not exceed two thousand five hundred dollars (\$2,500).

Sec. 9. (a) This chapter shall not be construed to limit or restrict the authority of a unit to:

- (1) impose more stringent standards for the installation and maintenance of a facility in a public right-of-way than the standards set forth in section 6 of this chapter; or
- (2) otherwise regulate the occupation and use of a public right-of-way under IC 8-1-2-101.

(b) This chapter does not abrogate or limit a permittee's duty to comply with any relevant provisions of IC 8-1-26 with respect to



1 underground facilities owned or operated by the permittee. A
2 permittee shall ensure that any agent, contractor, subcontractor,
3 excavator, or other person responsible for installing, replacing,
4 relocating, or repairing any underground facility that is owned or
5 operated by the permittee and located within a public right-of-way
6 complies with the requirements set forth in:
7 (1) IC 8-1-26-20; and
8 (2) any applicable local ordinance or regulation;
9 with respect to any work involving drilling, trenching, boring, hand
10 digging, or plowing.

