WEST VIRGINIA CODE: §17-2E-2

§17-2E-2. Definitions.

In this article, unless the context otherwise requires:

(1) "Broadband conduit" or "conduit" means a conduit, innerduct, or microduct for fiber optic cables that support facilities for broadband service.

(2) "Broadband service" has the same meaning as defined in §31G-1-2 of this code.

(3) "Council" means the Broadband Enhancement Council.

(4) "Direct bury" means the burying of telecommunications wire or cable directly into the ground by means of plowing or direct insertion without the opening of a trench and without the installation of conduit or innerduct.

(5) "Division" means the Division of Highways.

(6) "Longitudinal access" means access to or the use of any part of a right-of-way that extends generally parallel to the traveled right-of-way.

(7) "Permit" means an encroachment permit issued by the commissioner of the division under the authority of this code, and pursuant to the Accommodation of Utilities on Highway Right-of-Way and Adjustment and Relocation of Utility Facilities on Highway Projects Policy, or equivalent policy, as may be currently enforced by the division, that specifies the requirements and conditions for performing work in a right-of-way and where such work involves the creation or opening of a trench for the installation of telecommunications facilities in a right-of-way.

(8) "Right-of-way" means land, property, or any interest therein acquired or controlled by the division for transportation facilities or other transportation purposes or specifically acquired for utility accommodation.

(9) "Telecommunications carrier" means a telecommunications carrier:

(A) As determined by the Public Service Commission of West Virginia; or

(B) That meets the definition of telecommunications carrier with respect to the Federal Communications Commission, as contained in 47 U.S.C. §153.

(10) "Telecommunications facility" means any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, or other equipment, system, or device that is used to transmit,

WVLegislature

receive, produce or distribute a signal for telecommunications purposes via wireline, electronic, or optical means.

(11) "Utility" has the meaning ascribed to it in §17-2A-17a of this code.

(12) "Wireless access" means access to, and use of, a right-of-way for the purpose of constructing, installing, maintaining, using, or operating telecommunications facilities for wireless telecommunications.

WV Legislature