

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB3838**

Introduced 2/6/2026, by Sen. Patrick J. Joyce

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Broadband Deployment Act. Sets forth findings. Defines terms. Provides that, conditional upon acquiring the proper agreement or permit with the highway right-of-way controller or holder, a broadband grant recipient may install, maintain, and use broadband infrastructure along a highway right-of-way. Provides that no property owner of property located within the highway right-of-way shall forbid or prevent a proposed broadband grant recipient from entering upon the property for purposes of and in connection with the deployment of broadband infrastructure, nor shall any such property owner forbid or prohibit the broadband grant recipient from deploying upon, beneath, or over that property broadband infrastructure utilized by the broadband grant recipient for such broadband service. Provides that the broadband grant recipient must notify the property owner in writing by sending notification to the property owner's address specified in the online or publicly available records of the applicable county assessor (i) by the United States Postal Service, certified mail, return receipt requested; (ii) by a designated private delivery service, as defined by the Internal Revenue Service, that provides the same function as certified mail with return receipt; or (iii) by personally serving the notification. Sets forth requirements for the content of the notice. Provides that if the property owner intends to demand just compensation, the property owner must serve written notice thereof upon the broadband grant recipient within 45 days after the anticipated date of broadband deployment as provided in the notice to the property owner. Provides that neither the property owner's notice to demand just compensation, nor the property owner's assertion of a specific claim for just compensation, nor the initiation of any legal action to enforce the claim of just compensation shall delay or impair the right of the broadband grant recipient to deploy broadband infrastructure and provide broadband service within or upon, beneath, or over certain property. Provides that the rights and obligations of broadband grant recipients and landowners set forth in the amendatory provisions do not apply on and after January 1, 2030. Makes other changes. Effective immediately.

LRB104 20717 AAS 34217 b

**A BILL FOR**

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Broadband Deployment Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds that:

8 (1) a goal of the State is to make available to its  
9 citizens affordable, reliable, and state-of-the-art  
10 Internet communications through the expansion, extension,  
11 and general availability of broadband services and  
12 technology and to encourage the adoption of broadband by  
13 all citizens;

14 (2) although broadband access has been extended to  
15 many areas of the State, many rural areas remain unserved  
16 and, although many neighborhoods in urban and suburban  
17 areas have broadband options, some urban neighborhoods  
18 remain unserved;

19 (3) fair and equitable access to 21st century  
20 technology is essential to (i) maximize the functionality  
21 of educational resources and educational facilities that  
22 enable children and adults to receive the best of future  
23 teaching and learning methods, (ii) civic engagement,

1 (iii) economic development, (iv) access to  
2 state-of-the-art health care, (v) aging in place, (vi)  
3 participation in a global economy, and (vii) the State's  
4 farming communities; and

5 (4) the use of highway rights-of-way to support  
6 broadband infrastructure and services is compatible with  
7 and similar to other uses of highway rights-of-way and  
8 furthers the overall public interest by extending  
9 broadband access to citizens of the State and eliminating  
10 barriers to the widespread adoption of broadband Internet  
11 access.

12 Section 10. Definitions. As used in this Act:

13 "Broadband grant recipient" means a broadband service  
14 provider that is a telecommunications retailer, as defined in  
15 subsection (d) of Section 10 of the Telecommunications  
16 Infrastructure Maintenance Fee Act, that has been awarded  
17 grant funding pursuant to any State or federal grant program  
18 with the purpose of expanding broadband deployment and access  
19 to broadband services.

20 "Broadband infrastructure" means aboveground or  
21 underground wires, cables, fiber optic lines, conduit, pipe,  
22 innerduct, or microduct for fiber optic or other cables and  
23 facilities, including ancillary equipment such as power  
24 supplies, backhaul, and support structures, that are used in  
25 the provision of broadband services.

1 "Broadband service" means broadband Internet access  
2 service as defined in 47 CFR 8.1(b).

3 "Deploy" means, with respect to broadband infrastructure,  
4 to install, operate, maintain, access, inspect, upgrade,  
5 replace, repair, remove, and perform activities ancillary to  
6 those activities.

7 "Highway right-of-way" means the land, or interest  
8 therein, acquired for or devoted to a highway, as defined in  
9 the Illinois Highway Code.

10 "Property owner" does not include a public utility as  
11 defined in Section 3-105 of the Public Utilities Act.

12 Section 15. Rights-of-way. Conditional upon acquiring the  
13 proper agreement or permit with the highway right-of-way  
14 controller or holder, a broadband grant recipient may install,  
15 maintain, and use broadband infrastructure along a highway  
16 right-of-way. The broadband grant recipient shall comply with  
17 all applicable provisions of Section 9-113 of the Illinois  
18 Highway Code and relevant administrative rules.

19 No property owner of property located within the highway  
20 right-of-way shall forbid or prevent a proposed broadband  
21 grant recipient from entering upon the property for purposes  
22 of and in connection with the deployment of broadband  
23 infrastructure, nor shall any such property owner forbid or  
24 prohibit the broadband grant recipient from deploying upon,  
25 beneath, or over that property broadband infrastructure

1 utilized by the broadband grant recipient for such broadband  
2 service. The property owner may be entitled to the payment of  
3 just compensation by the broadband grant recipient, as  
4 provided in Section 20, and the broadband grant recipient  
5 shall indemnify the owner of such property for any physical  
6 damage caused by deployment of the broadband infrastructure  
7 and service.

8 Nothing in this Act shall be construed as reducing the  
9 ability of the Department of Transportation from exercising  
10 its authority to: (1) approve or deny permits for use of its  
11 right-of-way, (2) collect fees and compensation required as  
12 part of the Department of Transportation's administrative  
13 rules, and (3) manage the use of its right-of-way.

14 Section 20. Notice and compensation.

15 (a) The broadband grant recipient must notify the property  
16 owner in writing by sending notification to the property  
17 owner's address specified in the online or publicly available  
18 records of the applicable county assessor (i) by the United  
19 States Postal Service, certified mail, return receipt  
20 requested; (ii) by a designated private delivery service, as  
21 defined by the Internal Revenue Service, that provides the  
22 same function as certified mail with return receipt; or (iii)  
23 by personally serving the notification. The property owner  
24 shall be notified at least 14 days, but not more than 60 days,  
25 prior to the broadband grant recipient entering upon such

1 property for purposes of or in connection with the deployment  
2 of broadband infrastructure. The notice shall include the  
3 following information:

4 (1) the address of the property;

5 (2) the name of the broadband grant recipient and  
6 contact information for notice to the broadband grant  
7 recipient;

8 (3) the anticipated date of the proposed installation,  
9 maintenance, repair, or removal of the broadband  
10 infrastructure and projected length of time required to  
11 complete the installation, maintenance, or repair;

12 (4) information as to the time within which the owner  
13 may give notice and demand just compensation under this  
14 Section if the property owner believes that the property  
15 is diminished in value due to the burden on the property  
16 from the expanded use of the right-of-way;

17 (5) the manner and method of, and the detailed design  
18 and construction plans for, such installation,  
19 maintenance, repair, and removal, including the location  
20 of the proposed entry and path of broadband facilities  
21 proposed to be placed, repaired, maintained, or removed  
22 upon the property; and

23 (6) a statement absolving the property owner or the  
24 property owner's tenant from liability for any damages to  
25 broadband infrastructure that occur in the event of normal  
26 property use, including normal farming operations if the

1 property is used for farming purposes.

2 (b) If the property owner intends to demand just  
3 compensation, the property owner must serve written notice  
4 thereof upon the broadband grant recipient within 45 days  
5 after the anticipated date of broadband deployment as provided  
6 in the notice to the property owner. Unless timely notice as  
7 provided in this subsection is given by the property owner to  
8 the broadband grant recipient, it will be conclusively  
9 presumed that the property owner does not claim just  
10 compensation for the burden on the property from the expanded  
11 use of the right-of-way.

12 (c) Any property owner described in subsection (a) who has  
13 given timely written notice to the broadband grant recipient,  
14 as provided in subsection (b), may assert a claim for just  
15 compensation for diminution in value of the property from the  
16 expanded use of the right-of-way. A property owner may bring  
17 suit in an applicable circuit court with jurisdiction to  
18 enforce a claim for just compensation and to have the amount of  
19 just compensation determined by a jury. Such action must be  
20 commenced within 6 months of delivery of the broadband grant  
21 recipient's original notice of intent to deploy broadband  
22 infrastructure. A property owner who has not given timely  
23 notice as provided in subsection (b) is barred from asserting  
24 such a claim.

25 (d) Neither the property owner's notice to demand just  
26 compensation, nor the property owner's assertion of a specific

1 claim for just compensation, nor the initiation of any legal  
2 action to enforce the claim of just compensation shall delay  
3 or impair the right of the broadband grant recipient to deploy  
4 broadband infrastructure and provide broadband service within  
5 or upon, beneath, or over property described in subsection  
6 (a).

7 Section 25. Sunset. The rights and obligations of  
8 broadband grant recipients and landowners set forth in this  
9 Act do not apply on and after January 1, 2030.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.