

By: Nichols, et al.
(Anderson)

S.B. No. 507

A BILL TO BE ENTITLED

AN ACT

relating to an accommodation process authorizing the use of state highway rights-of-way by broadband-only providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Transportation Code, is amended by adding Section 250.002 to read as follows:

Sec. 250.002. RIGHT-OF-WAY ACCOMMODATION FOR BROADBAND-ONLY PROVIDERS. (a) In this section:

(1) "Broadband-only provider" means an entity that exclusively provides broadband service.

(2) "Broadband service" means Internet service with the capability of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of three megabits per second or faster.

(b) The commission by rule shall:

(1) on a competitively and technologically neutral and nondiscriminatory basis with respect to other providers of broadband service, establish an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for:

(A) new broadband facility installations;

(B) additions to or maintenance of existing

1 broadband facility installations;

2 (C) adjustments or relocations of broadband
3 facilities; and

4 (D) existing broadband facilities retained
5 within the rights-of-way; and

6 (2) prescribe minimum requirements for the
7 accommodation, method, materials, and location for the
8 installation, adjustment, and maintenance of broadband facilities
9 under the accommodation process.

10 SECTION 2. Not later than the first anniversary of the
11 effective date of this Act, the Texas Transportation Commission
12 shall adopt the rules required by Section 250.002, Transportation
13 Code, as added by this Act.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2021.