

## **BILL ANALYSIS**

C.S.H.B. 842  
By: Martinez, "Mando"  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, a school district cannot lay fiber optic cable in a county right-of-way. Only a utility has the statutory authority to access a county right-of-way. Even if a county agrees to allow a school district access to the county's right-of-way, existing law prevents a county from granting access. For example, Weslaco Independent School District desires to connect all of their schools with fiber optic cable. Because several of the district's schools are located outside of the city limits of Weslaco, the district has to ask the county for permission to access the rights-of-way. Existing law does not allow the county to grant permission.

C.S.H.B. 842 authorizes a school district to place fiber optic cable or another means of transmitting information in a county right-of way. The bill applies only to school districts that are within 60 miles of the United Mexican States.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 842 amends the Education Code to authorize a school district, any part of which is located 60 miles or less from an international border, to place in any county right-of-way fiber optic cable or another means of transmitting information necessary or convenient for a district facility to receive telecommunications services or to communicate with other district facilities. The bill requires a school district, in placing the fiber optic cable or another means of transmitting information, to perform the following actions to ensure that the district's cable or other means do not interfere with the property or facilities of the county or of a utility using the right-of-way:

- coordinate with the county in whose right-of-way the district intends to place the cable or other means;
- notify each utility using the right-of-way;
- comply with all safety codes and laws that apply to work performed along or near gas or electric utility facilities during all activities related to the placement, installation, and construction;
- ensure that workers placing or installing fiber optic cable or other means of transmitting information observe proper standards for maintaining safe clearance from gas and electric utilities; and
- comply with the Underground Facility Damage Prevention and Safety Act and other similar notification laws when working along or near gas and electric utility facilities, including by marking the school district's underground facilities in accordance with those laws.

## **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 842 differs from the original by authorizing certain school districts to place in any county right-of-way fiber optic cable or any means of transmitting information necessary or convenient for a district facility to receive telecommunications services or to communicate with other district facilities, whereas the original authorizes the school district to place in any county right-of-way only fiber optic cable necessary or convenient for that purpose. The substitute differs from the original by requiring a school district, in placing fiber optic cable or other means of transmitting information, to notify utilities, comply with safety codes and laws, ensure that workers placing or installing fiber optic cable or other means observe proper standards, and comply with Underground Facility Damage Prevention and Safety Act and other similar notification laws.