

By: Martinez

H.B. No. 842

Substitute the following for H.B. No. 842:

By: Marquez

C.S.H.B. No. 842

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain school districts to lay in
3 county rights-of-way fiber optic cable or other means of
4 transmitting information.

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

6 SECTION 1. Subchapter D, Chapter 11, Education Code, is
7 amended by adding Section 11.172 to read as follows:

8 Sec. 11.172. USE OF COUNTY RIGHT-OF-WAY FOR MEANS OF
9 TRANSMITTING INFORMATION. (a) This section applies only to a
10 school district any part of which is located 60 miles or less from
11 an international border.

12 (b) A school district may place in any county right-of-way
13 fiber optic cable or another means of transmitting information
14 necessary or convenient for a facility of the district to receive
15 telecommunications services or to communicate with other
16 facilities of the district.

17 (c) A school district, in placing fiber optic cable or
18 another means of transmitting information under this section, to
19 ensure that the district's cable or other means do not interfere
20 with the property or facilities of the county or of a utility using
21 the right-of-way, shall:

22 (1) coordinate with the county in whose right-of-way
23 the district intends to place the cable or other means;

24 (2) notify each utility using the right-of-way;

1 (3) comply with all safety codes and laws that apply to
2 work performed along or near gas or electric utility facilities
3 during all activities related to the placement, installation, and
4 construction;

5 (4) ensure that workers placing or installing fiber
6 optic cable or other means of transmitting information observe
7 proper standards for maintaining safe clearance from gas and
8 electric utility facilities, including standards provided by:

9 (A) the federal Occupational Safety and Health
10 Administration;

11 (B) Chapter 752, Health and Safety Code;

12 (C) the National Electrical Code (NFPA 70) or
13 similar publications; and

14 (D) the National Electric Safety Code or similar
15 publications; and

16 (5) comply with Chapter 251, Utilities Code, and other
17 similar notification laws when working along or near gas and
18 electric utility facilities, including by marking the school
19 district's underground facilities in accordance with those laws.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.