

Amend CSSB 1 by adding the following article to the bill, numbered appropriately:

ARTICLE _____. FIBER OPTIC CABLES FOR TRANSMITTING INFORMATION FOR
SCHOOL DISTRICTS

SECTION _____.01. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.172 to read as follows:

Sec. 11.172. USE OF COUNTY RIGHT-OF-WAY FOR MEANS OF TRANSMITTING INFORMATION. (a) Subject to Subsection (b), a school district may place in any county right-of-way fiber optic cable or another means of transmitting information necessary or convenient for a facility of the district to receive telecommunications services or to communicate with other facilities of the district. A school district:

(1) must obtain a permit or other authorization from the county for the use of the right-of-way in the same manner as the county requires for a utility to use the county's right-of-way for a utility facility;

(2) must pay the cost of placing the cable or other means of transmitting information; and

(3) must remove or relocate, and must pay the cost of removing or relocating, the cable or other means of transmitting information in the same manner and to the same extent as the county requires for a utility to do so for a utility facility.

(b) Regardless of whether the school district obtains a permit or authorization from the county under Subsection (a), the county commissioners court by order may prohibit the district from using the county right-of-way at any time before the date the district begins performing work that involves the right-of-way.

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

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

(2) notify and coordinate with each utility and

provider of telecommunications services using the right-of-way;

(3) 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;

(4) 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 utility facilities, including standards provided by:

(A) the federal Occupational Safety and Health Administration;

(B) Chapter 752, Health and Safety Code;

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

(D) the National Electrical Safety Code or similar publications; and

(5) comply with Chapter 251, Utilities Code, 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.

SECTION _____.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this article to have immediate effect, this article takes effect on the 91st day after the last day of the legislative session.