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
broadband facility installations;
(C) adjustments or relocations of broadband facilities; and
(D) existing broadband facilities retained within the rights-of-way; and
(2) prescribe minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process.

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

SECTION 3. This Act takes effect immediately if it 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 immediate effect, this Act takes effect September 1, 2021.
S.B. No. 507

President of the Senate
Speaker of the House

I hereby certify that S.B. No. 507 passed the Senate on March 31, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 507 passed the House on May 26, 2021, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor