

By: Guillen

H.B. No. 1241

A BILL TO BE ENTITLED

AN ACT

relating to the installation of conduit by the Texas Department of Transportation in the state highway system.

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

SECTION 1. Section 202.092, Transportation Code, is amended to read as follows:

Sec. 202.092. INSTALLATION AND USE OF DEPARTMENT FACILITIES. (a) For each road construction or reconstruction project in a part of the state highway system in which telecommunications conduit has not been installed under the improved portion of the highway, the department shall:

(1) provide for the installation of telecommunications conduit as part of the project at intervals not to exceed:

(A) one mile in an unincorporated area; and

(B) 500 feet in an incorporated area; and

(2) ensure that access points to the conduit are provided at each interval described by Subdivision (1) to facilitate use by a telecommunications provider.

(b) Notwithstanding any other law, a telecommunications provider may not place or maintain its facilities or otherwise use improvements, including structures, medians, conduits, or telecommunications equipment or lines, constructed or installed by the state as components of the state highway system except by a

1 lease under Section 202.052 or an agreement under Section 202.093.

2 SECTION 2. Sections 201.671, 201.672, and 201.673,
3 Transportation Code, are transferred to Chapter 250,
4 Transportation Code, redesignated as Section 250.003,
5 Transportation Code, and amended to read as follows:

6 Sec. 250.003 [~~201.671~~]. COORDINATION OF BROADBAND
7 INSTALLATION [~~DEFINITIONS~~]. (a) In this section [~~subchapter~~]:

8 (1) "Broadband" means a mass-market retail service by
9 wire or radio that provides the capability to transmit data to and
10 receive data from all or substantially all Internet endpoints,
11 including capabilities that are incidental to and enable the
12 operation of the service. The term includes a service that is
13 functionally equivalent to the service described by this
14 subdivision.

15 (2) "Broadband conduit" means a conduit, pipe,
16 innerduct, or microduct for fiber-optic or other cables that
17 supports broadband and wireless facilities for broadband.

18 (b) [~~Sec. 201.672. COORDINATION. (a)~~] The department
19 shall provide notice on the department's Internet website of
20 ongoing and planned highway construction projects for which the
21 department will provide voluntary joint trenching opportunities in
22 the state's right-of-way for broadband providers. A broadband
23 provider may collaborate with the department to deploy broadband
24 conduit or other broadband facilities in those rights-of-way.

25 (c) [~~(b)~~] The department shall give special consideration
26 to broadband deployment described by Subsection (b) [~~(a)~~] that is
27 likely to improve access to broadband by rural or underserved

1 communities.

2 (d) [~~(c)~~] To the extent practicable, the department shall
3 assist political subdivisions in taking advantage of voluntary
4 joint trenching opportunities.

5 (e) This section applies only to a highway construction
6 project to which Section 202.092(a) does not apply.

7 (f) [~~Sec. 201.673. REPORT.~~] Annually, the department shall
8 submit to the legislature a report that explains the actions taken
9 by the department in carrying out this subchapter and identifies
10 any costs or cost savings to the state and private entities
11 associated with voluntary joint trenching opportunities.

12 SECTION 3. The heading to Subchapter H-1, Chapter 201,
13 Transportation Code, is repealed.

14 SECTION 4. The change in law made by this Act applies only
15 to a road construction or reconstruction project initiated on or
16 after the effective date of this Act. A road construction or
17 reconstruction project initiated before the effective date of this
18 Act is governed by the law in effect on the date the project was
19 initiated, and the former law is continued in effect for that
20 purpose.

21 SECTION 5. This Act takes effect September 1, 2025.