

- SUBJECT:** Allowing broadband-only providers to use state highway rights-of-way
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 10 ayes — Paddie, Deshotel, Harless, Howard, P. King, Lucio, Metcalf, Shaheen, Slawson, Smithee
- 0 nays
- 3 absent — Hernandez, Hunter, Raymond
- SENATE VOTE:** On final passage, March 31 — 31-0
- WITNESSES:** For — (*Registered, but did not testify:* Luis Acuna, Texas 2036; Charlie Leal, Texas Farm Bureau; Matt Burgin, Texas Food & Fuel Association; Ryan Skrobarczyk, Texas Nursery & Landscape Association; Dana Harris, The Greater Austin Chamber of Commerce)
- Against — None
- BACKGROUND:** Interested parties suggest there are barriers to the deployment of broadband service because companies providing broadband-only services cannot access Texas Department of Transportation rights-of-way without entering into and paying for a lease. Some suggest providing for an accommodation process to allow broadband-only providers to use state highway rights-of-way for certain purposes.
- DIGEST:** SB 507 would require the Texas Transportation Commission by rule to establish an accommodation process that authorized broadband-only providers to use state highway rights-of-way, subject to highway purposes, for:
- new broadband facility installations;
 - additions to or maintenance of existing installations;
 - adjustments or relocations of broadband facilities; and

- existing facilities within the rights-of-way.

The process would have to be established on a competitively and technologically neutral and nondiscriminatory basis with respect to other providers of broadband service.

The bill also would require the Texas Transportation Commission to prescribe minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process.

The commission would have to adopt the rules no later than the first anniversary of the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.