

## **BILL ANALYSIS**

Senate Research Center  
87R16084 CXP-D

C.S.S.B. 507  
By: Nichols  
Transportation  
3/24/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, telecommunication utilities are able to access Texas Department of Transportation (TxDOT) rights-of-way via a special statutory exemption granted to utilities. However, companies that only provide broadband service do not meet the definition of a utility pursuant to the Texas Utilities Code. As a result, these broadband-only providers are not allowed the same access to state highway rights-of-way, and instead must enter into and pay for a lease with TxDOT for access. S.B. 507 simply directs TxDOT to adopt rules to allow broadband-only providers to use state highway rights-of-way in the same manner that other utilities currently enjoy, and thus puts broadband-only providers on par with other utilities that access state highway rights-of-way. The purpose of S.B. 507 is to remove a small but meaningful barrier to the deployment of broadband.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 507 amends current law relating to an accommodation process authorizing the use of state highway rights-of-way by broadband-only providers.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 250.002, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 250, Transportation Code, by adding Section 250.002, as follows:

Sec. 250.002. RIGHT-OF-WAY ACCOMMODATION FOR BROADBAND-ONLY PROVIDERS. (a) Defines "broadband-only provider" and "broadband service."

(b) Requires the Texas Transportation Commission (TTC) by rule to:

(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 new broadband facility installations, additions to or maintenance of existing broadband facility installations, adjustments or relocations of broadband facilities, and 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. Requires TTC to adopt the rules required by Section 250.002, Transportation Code, as added by this Act, not later than the first anniversary of the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2021.