

BILL ANALYSIS

S.B. 507
By: Nichols
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, telecommunication utilities are able to access Texas Department of Transportation (TxDOT) rights-of-way but companies that only provide broadband service cannot. 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 seeks to remedy this discrepancy and remove a barrier to the wider deployment of broadband service by providing for the establishment of an accommodation process that allows broadband-only providers to use state highway rights-of-way for certain purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 507 amends the Transportation Code to require the Texas Transportation Commission by rule to establish an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes and on a competitively and technologically neutral and nondiscriminatory basis with respect to other providers of broadband service, for the following:

- 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.

The bill requires the commission by rule 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 bill requires the commission to adopt the requisite rules under the bill's provisions not later than the first anniversary of the bill's effective date. The bill specifies the minimum download and upload speeds for Internet service to qualify under the bill's provisions as broadband service.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.