

1 “(3) RESULTS OF EVALUATION.—If the evalua-
2 tion reveals an anticipated need in the next 15 years
3 for broadband conduit beneath hard surfaces to be
4 constructed by the project, the conduit shall be in-
5 stalled under the hard surfaces as part of the cov-
6 ered highway construction project.

7 “(b) INSTALLATION REQUIREMENTS.—In carrying
8 out subsection (a), the Secretary shall ensure with respect
9 to a covered highway construction project that—

10 “(1) an appropriate number of broadband con-
11 duits, as determined by the Administrator of the Na-
12 tional Telecommunications and Information Admin-
13 istration, are installed along such highway to accom-
14 modate multiple broadband providers, with consider-
15 ation given to the availability of existing conduits;

16 “(2) the size of each such conduit is consistent
17 with industry best practices and is sufficient to ac-
18 commodate potential demand, as determined by the
19 Administrator; and

20 “(3) hand holes and manholes for fiber access
21 and pulling with respect to each such conduit are
22 placed at intervals consistent with industry best
23 practices, as determined by the Administrator.

24 “(c) STANDARDS.—The Secretary, in consultation
25 with the Administrator, shall establish standards, con-

1 sistent with applicable requirements in section 156 of this
2 title, section 1.23, part 645, and part 710 of title 23, Code
3 of Federal Regulations, and the Approved Utility Accom-
4 modation Manual, to carry out subsection (b) that con-
5 sider—

6 “(1) the ability to accommodate broadband in-
7 stallation without impacting the safety, operations,
8 and maintenance of the highway facility, its users,
9 or others;

10 “(2) population density in the area of a covered
11 highway construction project;

12 “(3) the type of highway involved in such
13 project; and

14 “(4) existing broadband access in the area of
15 such project.

16 “(d) PULL TAPE.—The Secretary shall ensure that
17 each broadband conduit installed pursuant to this section
18 includes a pull tape and is capable of supporting fiber
19 optic cable placement techniques consistent with industry
20 best practices, as determined by the Secretary.

21 “(e) DEPTH OF INSTALLATION.—The Secretary shall
22 ensure that each broadband conduit installed pursuant to
23 this section is placed at a depth consistent with industry
24 best practices, as determined by the Secretary, and that,
25 in determining the depth of placement, consideration is

1 given to the location of existing utilities and the cable sep-
2 aration requirements of State and local electrical codes.

3 “(f) ACCESS.—The Secretary shall ensure that any
4 requesting broadband provider has access to each
5 broadband conduit installed pursuant to this section, on
6 a competitively neutral and nondiscriminatory basis, for
7 a charge not to exceed a cost-based rate.

8 “(g) WAIVER AUTHORITY.—The Secretary may
9 waive the application of this section if the Secretary deter-
10 mines that the wavier is appropriate with respect to a cov-
11 ered highway construction project based upon—

12 “(1) a showing of undue burden;

13 “(2) a determination that the installation of
14 broadband conduit beneath hard surfaces to be con-
15 structed as part of a covered highway construction
16 project is not necessary based on the availability of
17 existing broadband infrastructure;

18 “(3) a cost-benefit analysis; or

19 “(4) the consideration of other relevant factors.

20 “(h) COORDINATION WITH FCC.—In carrying out
21 this section, the Secretary and the Administrator shall co-
22 ordinate with the Federal Communications Commission,
23 including in making determinations with respect to an ap-
24 propriate number of broadband conduits under subsection

1 (b)(1), potential demand under subsection (b)(2), and ex-
2 isting broadband access under subsection (c).

3 “(i) PUBLICATION OF CONDUIT AVAILABILITY.—Not
4 later than 1 year after the date of enactment of this sec-
5 tion, the Secretary shall provide information to the Fed-
6 eral Communications Commission and the Administrator
7 for inclusion within the National Broadband Map.

8 “(j) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the National
12 Telecommunications and Information Administra-
13 tion.

14 “(2) BROADBAND.—The term ‘broadband’
15 means an Internet Protocol-based transmission serv-
16 ice that enables users to send and receive voice,
17 video, data, graphics, or a combination thereof.

18 “(3) BROADBAND CONDUIT.—The term
19 ‘broadband conduit’ means a conduit for fiber optic
20 cables that support broadband or, where appro-
21 priate, wireless facilities for broadband service.

22 “(4) COVERED HIGHWAY CONSTRUCTION
23 PROJECT.—The term ‘covered highway construction
24 project’ means a project to construct a new highway
25 or to construct an additional lane or paved shoulder

1 for an existing highway that is commenced after the
2 date of enactment of this section and that receives
3 funding under this title.

4 “(5) **HARD SURFACES.**—The term ‘hard sur-
5 faces’ means asphalt and concrete pavement, curb
6 and gutter, and sidewalk.”.

7 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
8 ter 3 of title 23, United States Code, is amended by add-
9 ing at the end the following:

“330. Inclusion of broadband conduit installation in certain highway construc-
tion projects.”.

