

**AMENDMENT TO THE RULES COMMITTEE PRINT
TO H.R. 7
OFFERED BY MS. ESHOO OF CALIFORNIA**

At the end of subtitle G of title I, insert the following:

1 **SEC. 17___ . INCLUSION OF BROADBAND CONDUIT INSTAL-**
2 **LATION IN CERTAIN HIGHWAY CONSTRUC-**
3 **TION PROJECTS.**

4 (a) IN GENERAL.—Chapter 3 of title 23, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 333. Inclusion of broadband conduit installation in**
8 **certain highway construction projects**

9 “(a) REQUIREMENT.—

10 “(1) IN GENERAL.—The Secretary shall require
11 States to evaluate the need for broadband conduit in
12 accordance with this section as part of any covered
13 highway construction project.

14 “(2) CONSULTATION.—This evaluation shall be
15 done in consultation with local and national tele-
16 communications providers, including telecommuni-
17 cations service and equipment providers.

1 “(3) RESULTS OF EVALUATION.—If the evalua-
2 tion reveals an anticipated need for broadband con-
3 duit beneath hard surfaces to be constructed by the
4 project in the next 15 years, 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 Secretary, are installed
12 along such highway to accommodate multiple
13 broadband providers, with consideration given to the
14 availability of existing conduits;

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

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

23 “(c) STANDARDS.—The Secretary shall establish
24 standards, consistent with applicable requirements in sec-
25 tion 156 of this title, section 1.23, part 645, and part 710

1 of title 23 of the Code of Federal Regulations, and the
2 Approved Utility Accommodation Manual, to carry out
3 subsection (b) that consider—

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

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

10 “(3) the type of highway involved in such
11 project; and

12 “(4) existing broadband access in the area of
13 such project.

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

19 “(e) DEPTH OF INSTALLATION.—The Secretary shall
20 ensure that each broadband conduit installed pursuant to
21 this section is placed at a depth consistent with industry
22 best practices, as determined by the Secretary, and that,
23 in determining the depth of placement, consideration is
24 given to the location of existing utilities and the cable sep-
25 aration requirements of State and local electrical codes.

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

6 “(g) WAIVER AUTHORITY.—The Secretary may
7 waive the application of this section or any provision there-
8 in if the Secretary determines such waiver appropriate
9 with respect to a covered highway construction project.

10 “(h) COORDINATION WITH FCC.—In carrying out
11 this section, the Secretary shall coordinate with the Fed-
12 eral Communications Commission as the Secretary deter-
13 mines appropriate, including in making determinations
14 with respect to potential demand under subsection (b)(2)
15 and existing broadband access under subsection (c).

16 “(i) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) BROADBAND.—The term ‘broadband’
19 means an Internet Protocol-based transmission serv-
20 ice that enables users to send and receive voice,
21 video, data, graphics, or a combination thereof.

22 “(2) BROADBAND CONDUIT.—The term
23 ‘broadband conduit’ means a conduit for fiber optic
24 cables that support broadband or, where appro-
25 priate, wireless facilities for broadband service.

1 “(3) COVERED HIGHWAY CONSTRUCTION
2 PROJECT.—The term ‘covered highway construction
3 project’ means a project to construct a new highway
4 or to construct an additional lane or paved shoulder
5 for an existing highway that is commenced after the
6 date of enactment of this section and that receives
7 funding under this title.

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

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

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

