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

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

1 SEC. 17. INCLUSION OF BROADBAND CONDUIT INSTALLATION IN CERTAIN HIGHWAY CONSTRUCTION PROJECTS.

(a) In General.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

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

“(a) Requirement.—

“(1) In general.—The Secretary shall require States to evaluate the need for broadband conduit in accordance with this section as part of any covered highway construction project.

“(2) Consultation.—This evaluation shall be done in consultation with local and national telecommunications providers, including telecommunications service and equipment providers.
“(3) RESULTS OF EVALUATION.—If the evaluation reveals an anticipated need for broadband conduit beneath hard surfaces to be constructed by the project in the next 15 years, the conduit shall be installed under the hard surfaces as part of the covered highway construction project.

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

“(1) an appropriate number of broadband conduits, as determined by the Secretary, are installed along such highway to accommodate multiple broadband providers, with consideration given to the availability of existing conduits;

“(2) the size of each such conduit is consistent with industry best practices and is sufficient to accommodate potential demand, as determined by the Secretary; and

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

“(c) STANDARDS.—The Secretary shall establish standards, consistent with applicable requirements in section 156 of this title, section 1.23, part 645, and part 710
of title 23 of the Code of Federal Regulations, and the
Approved Utility Accommodation Manual, to carry out
subsection (b) that consider—

“(1) the ability to accommodate broadband in-

stallation without impacting the safety, operations,

and maintenance of the highway facility, its users,

or others;

“(2) population density in the area of a covered

highway construction project;

“(3) the type of highway involved in such

project; and

“(4) existing broadband access in the area of

such project.

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

“(e) DEPTH OF INSTALLATION.—The Secretary shall
ensure that each broadband conduit installed pursuant to
this section is placed at a depth consistent with industry
best practices, as determined by the Secretary, and that,
in determining the depth of placement, consideration is
given to the location of existing utilities and the cable sep-
aration requirements of State and local electrical codes.
“(f) ACCESS.—The Secretary shall ensure that any requesting broadband provider has access to each broadband conduit installed pursuant to this section, on a competitively neutral and nondiscriminatory basis, for a charge not to exceed a cost-based rate.

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

“(h) COORDINATION WITH FCC.—In carrying out this section, the Secretary shall coordinate with the Federal Communications Commission as the Secretary determines appropriate, including in making determinations with respect to potential demand under subsection (b)(2) and existing broadband access under subsection (c).

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

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

“(2) BROADBAND CONDUIT.—The term ‘broadband conduit’ means a conduit for fiber optic cables that support broadband or, where appropriate, wireless facilities for broadband service.
“(3) COVERED HIGHWAY CONSTRUCTION PROJECT.—The term ‘covered highway construction project’ means a project to construct a new highway or to construct an additional lane or paved shoulder for an existing highway that is commenced after the date of enactment of this section and that receives funding under this title.

“(4) HARD SURFACES.—The term ‘hard surfaces’ means asphalt and concrete pavement, curb and gutter, and sidewalk.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“333. Inclusion of broadband conduit installation in certain highway construction projects.”.