AMENDMENT TO RULES COMMITTEE PRINT

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OFFERED BY MS. ESHOO OF CALIFORNIA

At the end of subtitle D of title I of division A, add the following:

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

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 331. 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 in the next 15 years for broadband conduit beneath hard surfaces to be constructed by the project, 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 Administrator of the National Telecommunications and Information Administration, 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 Administrator; 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 Administrator.

“(c) STANDARDS.—The Secretary, in consultation with the Administrator, shall establish standards, con-
sistent with applicable requirements in section 156 of this
title, section 1.23, part 645, and part 710 of title 23, Code
of Federal Regulations, and the Approved Utility Accom-
modation Manual, to carry out subsection (b) that con-
sider—

“(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 separation 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 if the Secretary determines that the waiver is appropriate with respect to a covered highway construction project based upon—

“(1) a showing of undue burden;

“(2) a determination that the installation of broadband conduit beneath hard surfaces to be constructed as part of a covered highway construction project is not necessary based on the availability of existing broadband infrastructure;

“(3) a cost-benefit analysis; or

“(4) the consideration of other relevant factors.

“(h) Coordination With FCC.—In carrying out this section, the Secretary and the Administrator shall coordinate with the Federal Communications Commission, including in making determinations with respect to an appropriate number of broadband conduits under subsection
(b)(1), potential demand under subsection (b)(2), and existing broadband access under subsection (c).

“(i) Publication of Conduit Availability.—Not later than 1 year after the date of enactment of this section, the Secretary shall provide information to the Federal Communications Commission and the Administrator for inclusion within the National Broadband Map.

“(j) Definitions.—In this section, the following definitions apply:

“(1) Administrator.—The term ‘Administrator’ means the Administrator of the National Telecommunications and Information Administration.

“(2) 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.

“(3) Broadband conduit.—The term ‘broadband conduit’ means a conduit for fiber optic cables that support broadband or, where appropriate, wireless facilities for broadband service.

“(4) 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.

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

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

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