

112TH CONGRESS
1ST SESSION

H. R. 1695

To amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduit be installed as part of certain highway construction projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

Ms. ESHOO (for herself, Mr. WAXMAN, Mr. MARKEY, Ms. MATSUI, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduit be installed as part of certain highway construction projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadband Conduit
5 Deployment Act of 2011”.

1 **SEC. 2. INCLUSION OF BROADBAND CONDUIT INSTALLA-**
2 **TION IN CERTAIN HIGHWAY CONSTRUCTION**
3 **PROJECTS.**

4 Chapter 3 of title 23, United States Code, is amended
5 by adding at the end the following:

6 **“§ 330. Inclusion of broadband conduit installation in**
7 **certain highway construction projects**

8 “(a) IN GENERAL.—The Secretary shall require
9 States to install broadband conduit in accordance with this
10 section as part of any covered highway construction
11 project.

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

15 “(1) an appropriate number of broadband con-
16 duits, as determined by the Secretary, are installed
17 along such highway to accommodate multiple
18 broadband providers, with consideration given to the
19 availability of existing conduits;

20 “(2) the size of each such conduit is consistent
21 with industry best practices and is sufficient to ac-
22 commodate potential demand, as determined by the
23 Secretary; and

24 “(3) hand holes and manholes for fiber access
25 and pulling with respect to each such conduit are

1 placed at intervals consistent with industry best
2 practices, as determined by the Secretary.

3 “(c) STANDARDS.—The Secretary shall establish
4 standards to carry out subsection (b) that consider popu-
5 lation density in the area of a covered highway construc-
6 tion project, the type of highway involved in such project,
7 and existing broadband access in the area of such project.

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

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

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

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

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

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

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

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

21 “(3) COVERED HIGHWAY CONSTRUCTION
22 PROJECT.—The term ‘covered highway construction
23 project’ means a project to construct a new highway
24 or to construct an additional lane or shoulder for an
25 existing highway that is commenced after the date

1 of enactment of this section and that receives fund-
2 ing under this title.”.

3 **SEC. 3. CLERICAL AMENDMENT.**

4 The analysis for chapter 3 of title 23, United States
5 Code, is amended by adding at the end the following:

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

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