## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

H.B. 816 May 4, 2021 HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10394-MW-41

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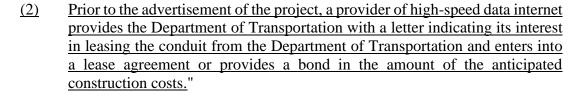
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Short Title: (Public) Broadband Empowerment Act. Representative Farkas. Sponsors: Referred to: A BILL TO BE ENTITLED **AUTHORIZE** OF AN **ACT** TO THE DESIGN AND CONSTRUCTION TELECOMMUNICATIONS CONDUIT WITHIN THE STATE RIGHT-OF-WAY. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 136-18 is amended by adding a new subdivision to read: "(47) The Department of Transportation shall have authority to construct conduit for telecommunications cables within the State right-of-way, with the costs of construction to be borne through the leasing of the conduit to private telecommunications companies, where such construction and leasing is not otherwise prohibited by any other federal or State law. The Conduit Installation Account is created as a non-reverting account within the Information Technology Fund (Budget Code 24667) to receive revenues from conduit leasing. The Department of Information Technology shall administer the Account. Revenue in the Account may be used only to fund the installation and maintenance of telecommunications conduit within the State right-of-way as authorized by this subdivision and to support the administration of this subdivision. After project costs have been funded, any excess revenues in the fund shall remain in the fund to advance additional projects across the State as authorized by this subdivision." **SECTION 2.** Article 2A of Chapter 136 of the General Statutes is amended by adding a new section to read: "§ 136-44.18. Installation of telecommunications conduit within State right-of-way. As authorized in G.S. 123-18(47) and in collaboration with the North Carolina Department of Information Technology, the Department of Transportation shall include in its planning for roads with a minimum length of 2,500 feet the installation of conduit for telecommunications cables when all of the following apply: Less than ninety percent (90%) of households in the county where the road (1)



project is located have access to high-speed data or telecommunications

services. If a project is located in more than one county, the Department of

Transportation may evaluate each county separately under this subdivision.



**SECTION 3.** The Department of Transportation, in collaboration with the Department of Information Technology, shall report no later than May 1, 2022, to the Joint Legislative Transportation Oversight Committee and annually thereafter on its progress in implementing the program to install telecommunications conduit authorized by this act. The initial report shall include identification by the Department of Transportation of any statutory or regulatory barriers to implementation of the conduit installation program. Each report shall include a list of highway projects eligible for conduit installation in the next year with a financial and market analysis and resulting estimate by the Department of Transportation as to whether the conduit installation authorized by this act is likely to be cost-effective for that project.

**SECTION 4.** This act is effective when it becomes law.

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