

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 713

Short Title: DOT/Broadband Infrastructure. (Public)

Sponsors: Representatives Ramsey, Tine, Saine, and Queen (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Appropriations.

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE IMPROVEMENT TO THE STATE'S INFORMATION
3 TECHNOLOGY INFRASTRUCTURE BY REQUIRING DEPARTMENT OF
4 TRANSPORTATION TO DEVELOP A PROGRAM FOR THE INSTALLATION OF
5 BROADBAND CONDUIT IN THE RIGHT-OF-WAY OF STATE HIGHWAYS WHEN
6 THOSE HIGHWAYS ARE CONSTRUCTED.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-18 is amended by adding a new subdivision to read:

9 "(44) The Department of Transportation shall have authority to construct conduits
10 for telecommunication cable in the State right-of-way, with the costs of
11 construction to be borne through the leasing of the conduit to private
12 telecommunications companies, where such construction and leasing is not
13 otherwise prohibited by any other federal or State law. The Conduit
14 Installation Account is created as a nonreverting account within the Highway
15 Trust Fund to receive revenues from conduit leasing. The Department shall
16 administer the Account. Revenue in the Account may be used only to fund
17 the installation of telecommunications conduit in State right-of-way, as
18 authorized by this subdivision."

19 **SECTION 2.** Article 2A of Chapter 136 of the General Statutes is amended by
20 adding a new section to read:

21 **§ 136-44.17. Installation of telecommunications conduit within State right-of-way.**

22 As authorized in G.S. 136-18(44), the Department shall include in its planning for new
23 roads and for improvements to existing roads the installation of conduit for telecommunications
24 cables when all of the following apply:

25 (1) Less than fifty percent (50%) of households in the county where the road
26 project is located have access to high-speed data or telecommunications
27 services. If a project is located in more than one county, the Department may
28 evaluate each county separately under this subdivision.

29 (2) A provider of high-speed data or telecommunications services provides the
30 Department with a letter indicating its interest in leasing the conduit from the
31 Department at any time within five years of completion of the project."

32 **SECTION 3.** The Department shall report no later than May 1, 2014, to the Joint
33 Legislative Transportation Oversight Committee and annually thereafter on its progress in
34 implementing the program to install telecommunications conduit authorized by this act. The
35 initial report shall include identification by the Department of any statutory or regulatory



1 barriers to implementation of the conduit installation program. Each report shall include a list
2 of highway projects eligible for conduit installation in the next year with a financial and market
3 analysis and resulting estimate by the Department as to whether the conduit installation
4 authorized by this act is likely to be cost-effective for that project.

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