

*Amy Klobuchar*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To expand the use of rights-of-way on Federal-aid highways to accommodate broadband infrastructure and to improve broadband connectivity to rural communities and broadband services in urban areas.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2555**

To provide opportunities for broadband investment, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. KLOBUCHAR *and Mr. Daines*

Viz:

*Mr. Gardner*  
*Mr. Booker*

1 Beginning on page 19, strike line 7 and all that fol-  
2 lows through page 20, line 3 and insert the following:

3 **SEC. 8. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

4 (a) FINDING REGARDING FEDERAL AND STATE DE-  
5 PARTMENTS OF TRANSPORTATION.—Congress finds that  
6 it is the policy of the United States for the Department  
7 of Transportation and State departments of transpor-  
8 tation—

9 (1) to adjust or otherwise develop right-of-way  
10 policies for Federal-aid highways to effectively ac-  
11 commodate broadband infrastructure;

1           (2) to ensure the safe and efficient accommoda-  
2           tion of broadband infrastructure in the public right-  
3           of-way;

4           (3) to include broadband stakeholders in the  
5           transportation planning process; and

6           (4) to coordinate highway construction plans  
7           with other statewide telecommunications and  
8           broadband plans.

9           (b) DEFINITIONS.—In this section:

10           (1) APPROPRIATE STATE AGENCY.—The term  
11           “appropriate State agency” means a State govern-  
12           mental agency that is recognized by the executive  
13           branch of the State as having the experience nec-  
14           essary to evaluate and carry out projects relating to  
15           the proper and effective installation and operation of  
16           broadband infrastructure.

17           (2) BROADBAND INFRASTRUCTURE.—The term  
18           “broadband infrastructure” means any buried or  
19           aerial facility, and any wireless or wireline connec-  
20           tion, that enables users to send and receive voice,  
21           video, data, graphics, or any combination thereof.

22           (3) BROADBAND INFRASTRUCTURE ENTITY.—  
23           The term “broadband infrastructure entity” means  
24           any entity that—

1           (Λ) installs, owns, or operates broadband  
2 infrastructure; and

3           (B) provides broadband services to the  
4 public in a manner consistent with the public  
5 interest, convenience, and necessity, as deter-  
6 mined by the State.

7           (4) STATE.—The term “State” means—

8           (Λ) a State;

9           (B) the District of Columbia; and

10           (C) the Commonwealth of Puerto Rico.

11           (c) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

12 To facilitate the installation of broadband infrastructure  
13 and achieve the policy described in subsection (a), the Sec-  
14 retary of Transportation shall ensure that each State that  
15 receives funds under chapter 1 of title 23, United States  
16 Code, meets the following requirements:

17           (1) BROADBAND COORDINATION.—The State  
18 department of transportation, in coordination with  
19 appropriate State agencies, shall—

20           (Λ) identify a broadband utility coordi-  
21 nator that is responsible for coordinating the  
22 broadband infrastructure right-of-way needs of  
23 the State with Federal-aid highway projects  
24 carried out in the State;

1 (B) establish a process for the registration  
2 of broadband infrastructure entities that seek  
3 to be included in those broadband infrastruc-  
4 ture right-of-way coordination efforts within the  
5 State;

6 (C) coordinate initiatives carried out under  
7 this section with other statewide telecommuni-  
8 cation and broadband plans and State and local  
9 transportation and land use plans; and

10 (D) include in the State broadband infra-  
11 structure coordination plan strategies to mini-  
12 mize repeated excavations that involve the in-  
13 stallation of broadband infrastructure in a  
14 right-of-way.

15 (2) PRIORITY.—In providing for the installation  
16 of broadband infrastructure in the right-of-way of an  
17 applicable Federal-aid highway under this sub-  
18 section, the State department of transportation shall  
19 carry out any appropriate measures to ensure that  
20 any existing broadband infrastructure entities are  
21 not disadvantaged, as compared to other broadband  
22 infrastructure entities, with respect to the program  
23 under this subsection.

24 (d) EFFECT OF SECTION.—This section applies only  
25 to activities for which obligations or expenditures are ini-

1 tially approved on or after the date of enactment of this

2 Act.