

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 816

Short Title: Broadband Empowerment Act. (Public)

Sponsors: Representatives Farkas, Saine, Johnson, and Hunt (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DESIGN AND CONSTRUCTION OF
3 TELECOMMUNICATIONS CONDUIT WITHIN THE STATE RIGHT-OF-WAY.

4 The General Assembly of North Carolina enacts:

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

6 "(47) The Department of Transportation shall have authority to construct conduit
7 for telecommunications cables within the State right-of-way, with the costs of
8 construction to be borne through the leasing of the conduit to private
9 telecommunications companies, where such construction and leasing is not
10 otherwise prohibited by any other federal or State law. The Conduit
11 Installation Account is created as a non-reverting account within the
12 Information Technology Fund (Budget Code 24667) to receive revenues from
13 conduit leasing. The Department of Information Technology shall administer
14 the Account. Revenue in the Account may be used only to fund the installation
15 and maintenance of telecommunications conduit within the State right-of-way
16 as authorized by this subdivision and to support the administration of this
17 subdivision. After project costs have been funded, any excess revenues in the
18 fund shall remain in the fund to advance additional projects across the State
19 as authorized by this subdivision."

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

22 **"§ 136-44.18. Installation of telecommunications conduit within State right-of-way.**

23 As authorized in G.S. 123-18(47) and in collaboration with the North Carolina Department
24 of Information Technology, the Department of Transportation shall include in its planning for
25 roads with a minimum length of 2,500 feet the installation of conduit for telecommunications
26 cables when all of the following apply:

- 27 (1) Less than ninety percent (90%) of households in the county where the road
28 project is located have access to high-speed data or telecommunications
29 services. If a project is located in more than one county, the Department of
30 Transportation may evaluate each county separately under this subdivision.
31 (2) Prior to the advertisement of the project, a provider of high-speed data internet
32 provides the Department of Transportation with a letter indicating its interest
33 in leasing the conduit from the Department of Transportation and enters into



1 a lease agreement or provides a bond in the amount of the anticipated
2 construction costs."

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

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