

**SHB 1457 - H AMD 393**

By Representative Wylie

**ADOPTED 03/08/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that broadband is  
4 an increasingly essential service necessary for economic development,  
5 reduction of use of roads and highways, delivery of medical services,  
6 education, and use of other technologies. The legislature also  
7 understands that maximizing the use of rights-of-way during  
8 construction or repair of transportation systems offers cost-  
9 effective opportunities for extending and improving broadband and  
10 high-speed internet connections throughout the state. It is the  
11 policy of the state to expedite the installation, improvement, and  
12 extension of broadband networks, and to remove barriers to cost-  
13 effective and expanded access to broadband networks.

14 Transportation activities can offer opportunities for these  
15 connections and it is a critical goal of the state to use the  
16 transportation system to facilitate and accelerate universal access  
17 through providing assistance in the development of necessary physical  
18 connections, increasing affordability of access, and formation of  
19 strategic partnerships. There is a need for both the near-term  
20 development of options and opportunities that can be applied within  
21 existing plans and mid and longer-term activities that can be  
22 undertaken to develop additional options and paths for the removal of  
23 barriers and to maximize the impact of actions to facilitate the  
24 expansion of broadband networks.

25 **Sec. 2.** RCW 47.52.001 and 2004 c 131 s 1 are each amended to  
26 read as follows:

27 (1) Unrestricted access to and from public highways has resulted  
28 in congestion and peril for the traveler. It has caused undue slowing  
29 of all traffic in many areas. The investment of the public in highway  
30 facilities has been impaired and highway facilities costing vast sums  
31 of money will have to be relocated and reconstructed.

1 (2) (~~Personal wireless service~~) Broadband, which includes a  
2 range of high-speed transmission technologies, including fiber optic  
3 lines and personal wireless service facilities, is a critical part of  
4 the state's infrastructure. The rapid deployment of (~~personal~~  
5 ~~wireless service~~) broadband facilities is critical to ensure public  
6 safety, network access, quality of service, and rural economic  
7 development.

8 (3) It is, therefore, the declared policy of this state to limit  
9 access to the highway facilities of this state in the interest of  
10 highway safety and for the preservation of the investment of the  
11 public in such facilities, and to (~~assure~~) ensure that the use of  
12 rights-of-way of limited access facilities accommodate the deployment  
13 of (~~personal wireless service~~) broadband facilities consistent with  
14 these interests. In furtherance of this policy, the department is  
15 directed to adopt and maintain an agency policy that requires the  
16 department to proactively provide broadband facility owners with  
17 information about planned limited access highway projects to enable  
18 collaboration between broadband facility owners and the department to  
19 identify opportunities for the installation of broadband facilities  
20 during the appropriate phase of these projects when such  
21 opportunities exist. Coordination between the department and  
22 broadband facility owners under this section must comply with  
23 applicable state and federal law including, but not limited to,  
24 chapter 47.44 RCW and RCW 47.04.045.

25 **Sec. 3.** RCW 47.44.010 and 2001 c 201 s 5 are each amended to  
26 read as follows:

27 (1) The department of transportation may grant franchises to  
28 persons, associations, private or municipal corporations, the United  
29 States government, or any agency thereof, to use any state highway  
30 for the construction and maintenance of water pipes, flume, gas, oil  
31 or coal pipes, telephone, telegraph (~~and~~), fiber optic, electric  
32 light and power lines and conduits, trams or railways, and any  
33 structures or facilities that are part of an urban public  
34 transportation system owned or operated by a municipal corporation,  
35 agency, or department of the state of Washington other than the  
36 department of transportation, and any other such facilities. In order  
37 to minimize the disruption to traffic and damage to the roadway, the  
38 department is encouraged to develop a joint trenching policy with

1 other affected jurisdictions so that all permittees and franchisees  
2 requiring access to ground under the roadway may do so at one time.

3 (2) All applications for the franchise must be made in writing  
4 and subscribed by the applicant, and describe the state highway or  
5 portion thereof over which franchise is desired and the nature of the  
6 franchise. The application must also include the identification of  
7 all jurisdictions affected by the franchise and the names of other  
8 possible franchisees who should receive notice of the application for  
9 a franchise.

10 (3) The department of transportation shall adopt rules providing  
11 for a hearing or an opportunity for a hearing with reasonable public  
12 notice thereof with respect to any franchise application involving  
13 the construction and maintenance of utilities or other facilities  
14 within the highway right-of-way which the department determines may  
15 (a) during construction, significantly disrupt the flow of traffic or  
16 use of driveways or other facilities within the right-of-way, or (b)  
17 during or following construction, cause a significant and adverse  
18 effect upon the surrounding environment.

19 NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts  
20 appropriated for this specific purpose in the omnibus transportation  
21 appropriations act, the joint transportation committee shall oversee  
22 a consultant study to recommend:

23 (a) An effective department of transportation strategy, and  
24 specific highway corridors, that could be used to address missing  
25 fiber connections and inadequate broadband service in parts of the  
26 state unserved and underserved by broadband facilities while also  
27 aiding the achievement of the state broadband goals specified in RCW  
28 43.330.536. As part of this recommendation, the following areas must  
29 also be addressed:

30 (i) What the appropriate taxonomy to apply to areas unserved or  
31 underserved by broadband is to better prioritize and contextualize  
32 the urgency of the need for broadband infrastructure in a given area;  
33 and

34 (ii) When the inclusion of broadband conduit installation in a  
35 transportation project is recommended as the most effective means of  
36 facilitating broadband access, rather than an alternative broadband  
37 facility placement, taking into account potential costs, and subject  
38 to any limitations in understanding potential costs of installation  
39 as part of a transportation project not yet undertaken;

1 (b) The role of the Washington state department of transportation  
2 in a coordinated approach for broadband development statewide that  
3 includes the adaptation of existing programs and activities to  
4 further a state initiative to expand and improve access to broadband;

5 (c) The most promising planning and financing tools that could be  
6 used by the department of transportation to provide the state with  
7 greater ability to install conduit in anticipation of future  
8 broadband fiber occupancy by others;

9 (d) Opportunities for mutually beneficial partnerships between  
10 the department of transportation and broadband service providers that  
11 could provide broadband services for transportation purposes such as  
12 intelligent transportation systems, cooperative automated  
13 transportation/autonomous vehicles, transportation demand management,  
14 and highway maintenance activities; and

15 (e) Strategies for the mitigation of potential safety,  
16 operations, and preservation impacts to transportation related to the  
17 recommendations made in (a) through (d) of this subsection.

18 (2) The study must consider the most relevant best practices in  
19 other states and their potential application in Washington.

20 (3) The study must also include an examination of any state and  
21 federal laws and regulations that could prevent or limit the  
22 implementation of these recommendations, as well as recommendations  
23 for modifications to the applicable state laws and regulations and  
24 recommended federal actions that could be requested by Washington  
25 state legislators.

26 (4) The joint transportation committee shall consult with the  
27 department of transportation, the Washington statewide broadband  
28 office, and other state agencies and local jurisdictions, as  
29 necessary, during development of the study's recommendations to  
30 ensure the relevance and applicability of the recommendations to the  
31 state.

32 (5) The joint transportation committee shall issue a report of  
33 its findings and recommendations to the house of representatives and  
34 senate transportation committees by January 1, 2022."

35 Correct the title.

EFFECT: Makes the following changes to the facilitation of  
broadband installation:

(1) Authorizes WSDOT to grant franchises to use a state highway  
for construction and maintenance of fiber optic facilities.

(2) Modifies the requirements of the JTC study to include in its recommendations information related to a taxonomy by which to evaluate needs in unserved and underserved by broadband facilities, when the inclusion of broadband conduit installation in a transportation project is recommended, the role of WSDOT in a coordinated approach for broadband development, consideration of the most relevant best practices in other states, and recommendations for federal actions that could be requested by Washington state legislators.

(3) Incorporates an intent section that describes as a critical goal of the state the use of the transportation system to facilitate and accelerate access to broadband networks.

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