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**SENATE BILL 5690**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators MacEwen, Chapman, Lovelett, and Muzzall

AN ACT Relating to actions of the department of transportation to notify utility providers of fish barrier removal projects and seek federal funding for utility relocation costs; and amending RCW 47.44.160.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 47.44.160 and 2021 c 258 s 5 are each amended to read as follows:

(1) The department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned state highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist.

(2) If no owners are ready or able to participate in coordination of the installation of broadband infrastructure concurrently with state highway projects, the department may enlist its contractors to install broadband conduit as part of road construction projects in order to directly benefit the transportation system and motor vehicle users by:

(a) Reducing future traffic impacts to the traveling public on the roadway;

(b) Supporting the vehicle miles traveled reduction and congestion management goals of the state by allowing for more telework; or

(c) Proactively preparing the transportation system for the widespread development and use of autonomous vehicles.

(3) Broadband facility owners must first obtain a franchise granted by the department pursuant to RCW 47.44.010 and 47.44.020 before installing broadband facilities within the department's conduit. The costs for installation and maintenance of such broadband facilities shall be the responsibility of the broadband facility owner. The department may adopt rules establishing a fee schedule for occupancy of broadband facilities within the department's conduit consistent with federal law.

(4) The department is directed to adopt and maintain agency procedures for the department to proactively provide utility providers with information about planned state fish barrier removal projects with at least one year of advance notice whenever feasible. The department is further directed to request any available federal funding for fish barrier removal projects and to include utility relocation costs within the request for federal funds.

(5) As used in this section:

(a) "Broadband conduit" means a conduit used to support broadband infrastructure, including fiber optic cables.

(b) "Broadband infrastructure" has the same meaning as in RCW 43.330.530.

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