



# Texas Department of Transportation House Bill 2422 (86R, 2019) Implementation Status

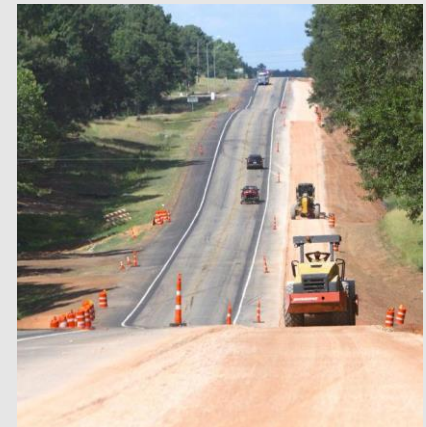
House Committee on State Affairs Hearing



January 30, 2019

“Monitor the agencies and programs under the Committee’s jurisdiction and oversee the implementation of relevant legislation passed by the 86<sup>th</sup> Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:

SB 14, HB 1960, and **HB 2422**, which relate to broadband services provided by electric cooperatives. Monitor the implementation of the legislation, including the status of rural electric cooperatives deploying broadband fiber in underserved areas. Monitor the efforts of the Texas Department of Transportation in executing state coordination of certain broadband development projects in rural areas.”





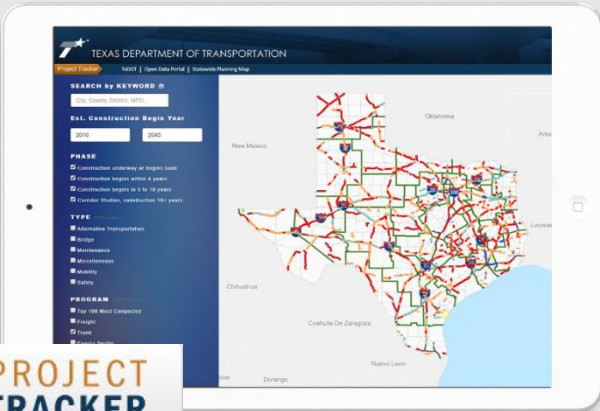
HB 2422 adds new Subchapter H-1 to Chapter 201, Texas Transportation Code:

- Section 201.672, Texas Transportation Code, requires TxDOT to provide notice on TxDOT's website “of ongoing and planned highway construction projects for which the department will provide voluntary joint trenching opportunities in the state's right-of-way for broadband providers.”
- Section 201.672, Texas Transportation Code, requires TxDOT to give “special consideration” to projects that are likely to improve access to broadband for rural or underserved communities and, to the extent practicable, assist political subdivisions in taking advantage of voluntary trenching opportunities.
- Section 201.673, Texas Transportation Code, requires an annual report to the Legislature on:
  - Actions being taking by TxDOT to implement the bill; and
  - Any costs or cost savings to the state and private entities associated with voluntary joint trenching opportunities.



- A complex framework of federal and state laws provide the legal basis for mandatory and permissive location of utilities in TxDOT right of way and provides certain public utilities the right to operate, construct and maintain their lines over, under, across, on or along highway rights of way.
- TxDOT has the authority to stipulate the location, materials and methods for installation and adjustment of utility lines on all highways on the state highway system. This is for the safety, protection, use and future development of the highways with due consideration given to public service afforded by adequate and economical utility installations.
- Utility location and relocation activities require close coordination between the state, utility companies, cities, counties, and other local governmental entities.
  - The best time to identify utility location and relocation issues is in the early planning phases of a transportation project.
  - Since 2015, TxDOT has hosted utility partnering conferences in order to better collaborate with utility partners on upcoming projects that are likely to require utility relocation. The most recent conference was held in December, 2019.





**PROJECT TRACKER**  
TEXAS DEPARTMENT OF TRANSPORTATION

### Utility Accommodations Toolkit

Texas Department of Transportation > Inside TxDOT > Divisions > Right of Way

The Utility Accommodations Toolkit provides applicable federal and state laws as well as policies and procedures for carrying out utility accommodations activities on transportation projects. These tools assist with assuring compliance with subject laws and policies to ensure that impacted utility owners receive full reimbursement of eligible project costs.

#### Forms and Publications

- Utility Forms
- Buy America FAQs
- Buy America Guidelines
- Utility Manual
- Companies with Executed Master Utility Agreements

#### Joint Trenching Opportunities

If you are a broadband provider and looking for joint trenching opportunities, please visit our Project Tracker to identify possible opportunities. Please reach out to the appropriate district contact to identify potential joint trenching opportunities.

#### Resources

- UIR System (Utility Installation Review)
- Texas 811
- Texas Railroad Commission Public GIS Viewer
- Texas Public Utility Commission Water & Sewer CCN Viewer

#### Events

- Utility Accommodation Training
- 2019 TxDOT Utility Partnering Conference Presentations

#### Federal Codes and Regulations

- 23 USC 123 - Relocation of Utility Facilities
- 23 USC 313 - Buy America
- 23 CFR 635.410 - Buy America Requirements
- 23 CFR 645 - Utilities
- 49 CFR Subtitle B, Chapter I, Subchapter D - Pipeline Safety

#### State Codes and Regulations

- Texas Transportation Code Title 6, Subtitle A, Chapter 203, Subchapter E - Relocation of Utility Facilities
- Texas Transportation Code Title 6, Subtitle B, Chapter 223, Subchapter A, Section 223.045 - Iron and Steel Preference Provisions in Improvement Contracts
- 43 TAC Part 1, Chapter 21, Subchapter B - Utility Adjustment, Relocation, or Removal
- 43 TAC Part 1, Chapter 21, Subchapter C - Utility Accommodation Rules
- 43 TAC Part 1, Chapter 21, Subchapter O - Utility Accommodation for Rail Facilities

- TxDOT has updated language on its public-facing Utility Accommodations Toolkit website to inform utility companies seeking joint trenching opportunities of the best methods of using Project Tracker and working with TxDOT District utility coordinators.
- TxDOT is currently working to integrate the required voluntary joint trenching opportunity notice into current TxDOT website platforms, such as Project Tracker, that provide information on ongoing and planned highway construction projects.
- As required by Section 201.673, Texas Transportation Code, TxDOT will submit to the legislature a report that explains the actions taken in carrying HB 2422 and identify costs or cost savings to the state and private entities associated with voluntary joint trenching opportunities (1<sup>st</sup> Report Estimated September 2020).
- TxDOT will also notify the recently-appointed Governor's Broadband Development Council, as created by HB 1960 (86R, 2019), on future joint trenching opportunities.



Since **Nov. 7, 2000**, almost **67,000** people have died on Texas roadways.

We've had **almost 19 years** straight of daily deaths on Texas roads.



**747** people were killed in 2018 while speeding.

**625** pedestrians were killed in 2018 in traffic crashes.



The majority of all deadly crashes are due to mistakes drivers make (e.g., **texting and driving** and **drinking and driving**).

**403** people were killed in 2018 in distracted driving.



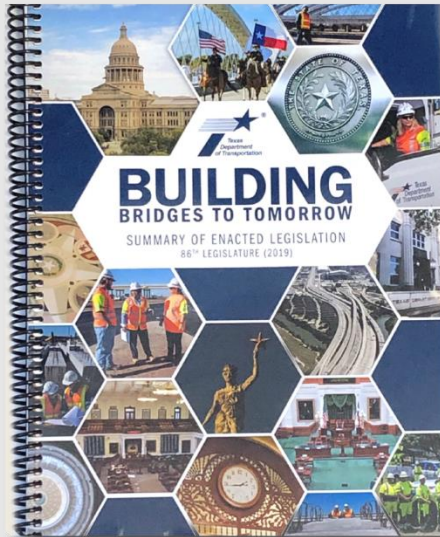
In 2018, **1 out of 4** deaths were caused by drunk driving.

Last year, **984** unbuckled people died in traffic crashes.

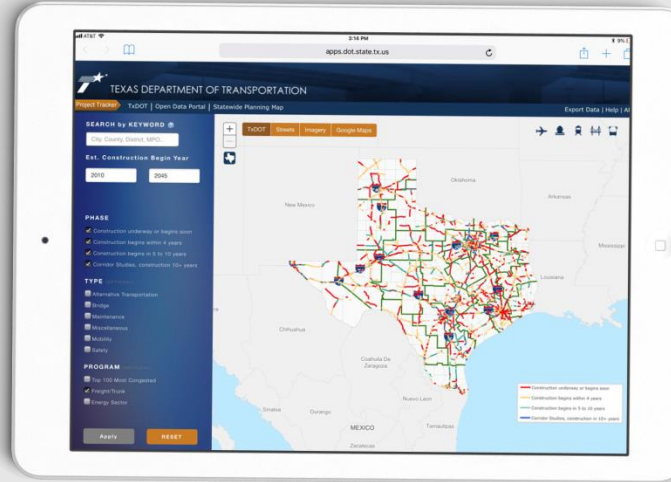


**3,526** average number of fatalities – or **10** jumbo jet crashes – every year.

## [www.EndTheStreakTX.com](http://www.EndTheStreakTX.com)



**Building Bridges to Tomorrow**  
Summary of Enacted Legislation  
86<sup>th</sup> Legislature (2019)



**TxDOT Project Tracker**  
To view up-to-date project information  
for your district and state, visit [txdot.gov](http://txdot.gov).  
Keyword search “Project Tracker.”



SCAN WITH SMART PHONE

**Texas Department of  
Transportation 2019-2020  
Educational Series**  
The Educational Series serves  
as a reference on a range  
of transportation issues  
affecting TxDOT  
and the state of Texas.

