

State Corporation Commission 2023 Fiscal Impact Statement

1. Bill Number: HB1752

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Head

3. Committee: Passed both Houses

4. Title: Public utilities; fiber optic broadband lines crossing railroads.

5. Summary: If a broadband service provider deems it necessary in the construction of its systems to cross the works of a railroad company then the broadband service provider shall submit a detailed application for such crossing to the railroad company. The railroad company shall acknowledge receipt of the application and approve the complete crossing application within 35 days.

The bill requires the broadband service provider to bear the cost of the crossing, to pay a license fee of \$2,000 for each crossing and reimburse the railroad company for direct expenses not to exceed \$5,000.

A railroad company may petition the State Corporation Commission (Commission) if it asserts the proposed crossing will cause undue hardship on the railroad company, the proposed crossing will create the imminent likelihood of danger to public health or safety, or the license fee is not adequate compensation for the proposed crossing.

The broadband service provider may petition the Commission for relief when the provider asserts that that railroad company is not complying or has otherwise wrongfully rejected or delayed the application submitted by the broadband provider. The Commission shall issue a final order within 90 days of the petition's initial filing.

The bill provides that for a crossing over a legally abandoned section of track the standard cumulative crossing fee is no more than \$1,000.

The bill requires the broadband service provider to maintain a general liability insurance policy or railroad protective liability insurance policy that meets certain requirements.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final. See Item 8.

8. Fiscal Implications: The bill allows a railroad company or a broadband service provider to petition the State Corporation Commission, and the Commission may make any necessary findings of fact and determinations, as well as any relief to be granted. The bill permits the

Commission to employ engineers to assist with the technical evaluation. The cost of an engineer will be shared equally by the broadband service provider and the railroad company.

The Commission does not have sufficient data to reliably estimate the potential volume of work involved with this bill or any fiscal impact. If there are a significant number of petitions, additional staff may be required.

9. Specific Agency or Political Subdivisions Affected: State Corporation Commission

10. Technical Amendment Necessary: No

11. Other Comments: Senate Bill 1029 is identical to House Bill 1752.

MAC 2/22/23

RLD 2/22/23