

## State Corporation Commission 2023 Fiscal Impact Statement

**1. Bill Number:** HB1752

**House of Origin**    ☐ Introduced    ☒ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:**    Head

**3. Committee:** Commerce and Energy

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

**5. Summary:** Provides that a broadband service provider, in the construction of its works, may cross the works of a railroad company if the crossing is (i) located, constructed, and operated so as not to impair, impede, or obstruct, in any material degree, the works and operations of the railroad to be crossed; (ii) supported by permanent and proper structures and fixtures; and (iii) controlled by customary and approved appliances, methods, and regulations to prevent damage to the works of the railroad and ensure the safety of its passengers. The bill requires the broadband service provider to give the railroad company written notice that meets certain requirements at least 30 days before the crossing date. The bill requires the broadband service provider to bear the cost of the crossing, to pay a fee of \$2,000 for each crossing, and reimburse the railroad company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee.

The bill provides that a railroad company may petition the State Corporation Commission if it asserts the proposed crossing will cause undue hardship on the railroad company, or the proposed crossing will create the imminent likelihood of danger to public health or safety.

The bill provides that for a crossing over an abandoned section of track the standard cumulative crossing fee is \$1,000 and that the railroad company does not have the opportunity to petition the Commission, unless the legally abandoned section of track was acquired by the railroad company during the five years prior to issuing a notice of crossing. 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:** Indeterminate. See Item 8.

**8. Fiscal Implications:** The bill allows a railroad company 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, not to exceed \$500.

The Commission does not have sufficient data to reliably estimate the 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:** None