

State Corporation Commission 2023 Fiscal Impact Statement

1. Bill Number: SB1029

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

2. Patron: Stanley

3. Committee: Commerce and Labor

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 does not interfere with the works and operations of the railroad company and is designed 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 timely notice with preliminary construction plans to the railroad company and pay a fee of \$2,500 for each standard crossing.

The bill provides that a railroad company may petition the State Corporation Commission if it asserts that the cumulative crossing fee is not sufficient compensation, the crossing will cause undue hardship on the railroad company, or create the imminent likelihood of danger to public health or safety and authorizes the Commission to suspend the work of the crossing while making a determination on such petition. The bill provides that for a crossing over a legally abandoned section of track the fee is \$1,000 and certain requirements apply for the railroad company to petition the Commission for relief. The broadband service provider is responsible for securing a general liability insurance policy or railroad protective liability insurance.

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 (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 by the broadband service provider and the railroad company, not to exceed \$500 per company.

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