



Office of the Texas Governor | Greg Abbott

Governor's Broadband Development Council Meeting

October 19, 2020

AGENDA
Governor's Broadband Development Council

October 19, 2020
1:30 PM

VIDEOCONFERENCE MEETING

Governor's Broadband Development Council (" Council ") members will be meeting via videoconference.

Members of the public who would like to attend the meeting may join by videoconference using the following information:

Free Web Link for Videoconference:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Mzk4ODk0MTQtNTZhYy00OTdiLWI1MGYtMjZjOGFIMzE4MDgy%40thread.v2/0?context=%7b%22Tid%22%3a%2254cb5da6-c734-4242-bbc2-5c947e85fb2c%22%2c%22Oid%22%3a%22cdb0f7cb-fec3-45b3-bee8-c349e50e5cb2%22%7d

Members of the public attending the meeting via the videoconference information provided will be able to hear audio of the meeting and can provide comments during the Public Comment portion of the meeting. The Council will also record the meeting, which will be made available to members of the public.

All agenda items are subject to possible discussion, questions, consideration, and action by the Council. Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Council. Presentations may be made by the identified staff or Council member or others as needed.

ITEM

I. Call to Order

II. Chair welcome, remarks and roll call

III. Discussion and Possible Action on Approval of Minutes from the Council meeting on September 24, 2020 (Tab 1).

IV. Comments by Texas Department of Transportation staff providing information relating to Council's areas of research, identification, study, and analysis under Tex. Gov't Code § 490H.006, including information relating to distribution of broadband in unserved areas of Texas, and Council review, discussion, consideration and/or possible action regarding same (Tab 2).

V. Comments by The Pew Charitable Trusts staff providing information relating to Council's areas of research, identification, study, and analysis under Tex. Gov't Code § 490H.006, including information

relating to distribution of broadband in unserved areas of Texas, and Council review, discussion, consideration and/or possible action regarding same.

VI. Review, Discussion, Consideration and/or Possible Action relating to permission and authorization to edit, finalize, and submit the 2020 electronic report due to the governor, the lieutenant governor, and the members of the legislature from the Council under Section 490H.007 of the Texas Government Code (Tab 3).

VII. Review, Discussion, Consideration and/or Possible Action on Council Next Steps for Following Meeting(s) - Chairman Sproull

VIII. Comments without Deliberation:

Public comment may be received on any matter under the Council's jurisdiction without regard to whether the item was posted on the agenda.

IX. Adjournment

Link to October 19, 2020 Council meeting documents:

<https://gov.texas.gov/business/page/governors-broadband-development-council>

Persons with disabilities who plan to attend this meeting, who may need auxiliary aids or services, or who need assistance in having English translated into Spanish, should contact Philip Rocha at 512-936-0246 at least 2 days before the meeting so that appropriate arrangements can be made.

Personas con discapacidades que asistirán a esta reunión y requieren servicios o instrumentos especiales, o necesitaran traducción al español, por favor de comunicarse con Philip Rocha al 512-936-0246 por lo menos 2 días antes de la reunión para hacer los arreglos necesarios.

Tab

1

GOVERNOR'S BROADBAND DEVELOPMENT COUNCIL

Minutes of September 24, 2020 Meeting

Videoconference Meeting

1:30 PM

VIDEOCONFERENCE MEETING

COUNCIL MEMBERS IN ATTENDANCE:

William "Bill" Sproull (Chair), Juli Blanda, Frank Moreno, Lindsey Lee, Marshall Harrison, Marty Lucke, Kirk Petty, Thomas Kim, M.D., Greg Pittman, Jennifer K. Harris, Kenny Scudder, Mike Easley, Edward Smith, Ph.D., Saurin Patel, M.D., Senator Charles Perry

STAFF IN ATTENDANCE:

Lindsey Aston, Philip Rocha, Adriana Cruz, Fauye Bennett, Michael Treyger, Larry McManus, Ryland Ramos

The Council proceeded on posted agenda items in the order as follows:

Agenda Item I. CALL TO ORDER

Bill Sproull, Chairman of the Governor's Broadband Development Council, called the meeting to order at 1:32 PM. A quorum was present online.

Agenda Item II. CHAIR WELCOME, REMARKS, AND ROLL CALL

Chairman Sproull welcomed the council for their fourth meeting and briefly outlined the agenda for the meeting.

Agenda Item III. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MINUTES FROM THE COUNCIL MEETING ON AUGUST 27, 2020

The council approved the minutes from the August 27, 2020 meeting. Motion by Marty Lucke, Second by Kirk Petty.

Agenda Item IV. COMMENTS BY TEXAS SENATOR CHARLES PERRY AND/OR HIS STAFF PROVIDING INFORMATION RELATING TO COUNCIL'S AREAS OF RESEARCH, IDENTIFICATION, STUDY, AND ANALYSIS UNDER TEX. GOV'T CODE § 490H.006, INCLUDING INFORMATION RELATING TO DISTRIBUTION OF BROADBAND IN UNSERVED AREAS OF TEXAS, AND COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION REGARDING SAME.

Senator Perry discussed finding solutions to broadband challenges in Texas.

Agenda Item V. COMMENTS BY TEXAS REPRESENTATIVE KEN KING AND/OR HIS STAFF PROVIDING INFORMATION RELATING TO COUNCIL'S AREAS OF RESEARCH, IDENTIFICATION, STUDY, AND ANALYSIS UNDER TEX. GOV'T CODE § 490H.006, INCLUDING INFORMATION RELATING TO DISTRIBUTION OF BROADBAND IN UNSERVED AREAS OF TEXAS, AND COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION REGARDING SAME.

Neither Representative Ken King nor his staff were present; there were no comments by Representative Ken King or his staff.

Agenda Item VI. COMMENTS BY TEXAS EDUCATION AGENCY STAFF PROVIDING INFORMATION RELATING TO COUNCIL'S AREAS OF RESEARCH, IDENTIFICATION, STUDY, AND ANALYSIS UNDER TEX. GOV'T CODE § 490H.006, INCLUDING INFORMATION RELATING TO DISTRIBUTION OF BROADBAND IN UNSERVED AREAS OF TEXAS, AND COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION REGARDING SAME

TEA staff members Julia Shockrell and Melody Parrish provided an update on Operation Connectivity and gave a presentation that included equipment distribution data.

There were questions and brief discussion from council members regarding broadband equipment usage and distribution.

TEA staff noted that they appreciate working with the Council to address broadband issues.

Agenda Item VII. COMMENTS BY MURRAY STATE UNIVERSITY STAFF PROVIDING INFORMATION RELATING TO COUNCIL'S AREAS OF RESEARCH, IDENTIFICATION, STUDY, AND ANALYSIS UNDER TEX. GOV'T CODE § 490H.006, INCLUDING INFORMATION RELATING TO DISTRIBUTION OF BROADBAND IN UNSERVED AREAS OF TEXAS, AND COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION REGARDING SAME

Dr. Ramage of Murray State University presented slides regarding technology neutral solutions to the council members and engaged in discussion with several members.

Dr. Ramage focused on how to provide access to broadband in rural communities as he has done in Kentucky and discussed the details and challenges of accomplishing this feat.

Chairman Sproull called for a five minute break before the next agenda item.

**Agenda Item VIII. DISCUSSION AND REVIEW OF BROADBAND RECOMMENDATIONS OF
INDIVIDUAL COUNCIL MEMBERS**

Chairman Sproull thanked council members for their individual recommendations, and identified topics raised by individual Council members.

The Council discussed the topics identified.

**Agenda Item IX. UPDATE FROM COUNCIL SUBCOMMITTEE FOCUSED ON RESEARCHING THE
PROGRESS OF BROADBAND DEVELOPMENT IN UNSERVED AREAS, REGARDING
INFORMATION GATHERED AND OBSERVATIONS MADE TO DATE, AND
COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION
REGARDING SAME.**

There was no update by this subcommittee.

**Agenda Item X. UPDATE FROM COUNCIL SUBCOMMITTEE FOCUSED ON IDENTIFYING
BARRIERS TO RESIDENTIAL AND COMMERCIAL BROADBAND DEPLOYMENT IN
UNSERVED AREAS, REGARDING INFORMATION GATHERED AND
OBSERVATIONS MADE TO DATE, AND COUNCIL REVIEW, DISCUSSION,
CONSIDERATION AND/OR POSSIBLE ACTION REGARDING SAME.**

There was no update by this subcommittee.

**Agenda Item XI. UPDATE FROM COUNCIL SUBCOMMITTEE FOCUSED ON STUDYING
TECHNOLOGY-NEUTRAL SOLUTIONS TO OVERCOME BARRIERS TO
RESIDENTIAL AND COMMERCIAL BROADBAND DEPLOYMENT IN UNSERVED
AREAS, REGARDING INFORMATION GATHERED AND OBSERVATIONS MADE TO
DATE, AND COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR
POSSIBLE ACTION REGARDING SAME.**

There was no update by this subcommittee.

**Agenda Item XII. UPDATE FROM COUNCIL SUBCOMMITTEE FOCUSED ON ANALYZING HOW
STATEWIDE ACCESS TO BROADBAND WOULD BENEFIT: (A) ECONOMIC**

DEVELOPMENT; (B) THE DELIVERY OF EDUCATIONAL OPPORTUNITIES IN HIGHER EDUCATION AND PUBLIC EDUCATION; (C) STATE AND LOCAL LAW ENFORCEMENT; (D) STATE EMERGENCY PREPAREDNESS; AND (E) THE DELIVERY OF HEALTH CARE SERVICES, INCLUDING TELEMEDICINE AND TELEHEALTH, REGARDING INFORMATION GATHERED AND OBSERVATIONS MADE TO DATE, AND COUNCIL REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION REGARDING SAME.

There was no update by this subcommittee.

Agenda Item XIII. REVIEW, DISCUSSION, CONSIDERATION AND/OR POSSIBLE ACTION ON COUNCIL NEXT STEPS FOR FOLLOWING MEETING(S) - CHAIRMAN SPROULL.

Chairman Sproull suggested a next meeting date of October 19th and asked Phil Rocha to coordinate availability of Council members.

Agenda Item XIV. COMMENTS WITHOUT DELIBERATION:

Public comment may be received on any matter under the Council's jurisdiction without regard to whether the item was posted on the agenda.

Mr. Osbourne provided a comment about FCC funding for Texas.

Agenda Item XV. ADJOURNMENT

Chairman Sproull called the meeting to a close at 4:10 PM.

Date

Bill Sproull, Chair

Tab

2



Texas Department of Transportation's Utility Coordination Procedures

Governor's Broadband Development Council

Kyle Madsen, J.D.

Director, Right of Way Division



October 19, 2020

- Empower citizens to understand they can help #EndTheStreakTX
- November 7, 2000, was the last deathless day on roadways in Texas
- You can help by spreading the word—tell your friends to buckle up, pay attention while driving, get a sober ride home, and drive to conditions



- A complex framework of federal and state laws provide the legal basis for mandatory and permissive location of utilities in state 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.





- State law provides statutory authority in various portions of code for which entities may occupy state rights of way via permit.
 - If there is no specific statutory authority to occupy the state's rights of way by permit, state law allows a lease for fair market value.
- Under current law, broadband-only service providers are unable to occupy state rights of way via permit. Below are the utilities allowed by statute for TxDOT to permit:
 - Electric lines;
 - Telephone;
 - Gas pipelines;
 - Cable television;
 - Petroleum, petroleum products, and crude oil;
 - Water pipelines;
 - Saltwater pipelines;
 - Wastewater corporations; and
 - Electric cooperative broadband facilities.

- Timely utility relocation with minimal disruption of utility services is an important part in the successful and on-time delivery of transportation improvements to the citizens of Texas.
- Utilities that are not relocated on time can delay construction projects costing taxpayers money and delaying roads being opened to the traveling public.
- Utility location and relocation activities require close coordination between the state, utility companies, cities, counties, and other local governmental entities.





TxDOT relies on broadband connectivity to connect our transportation infrastructure. This allows TxDOT to improve safety and traffic flow by coordinating assets like traffic lights and roadside cameras.

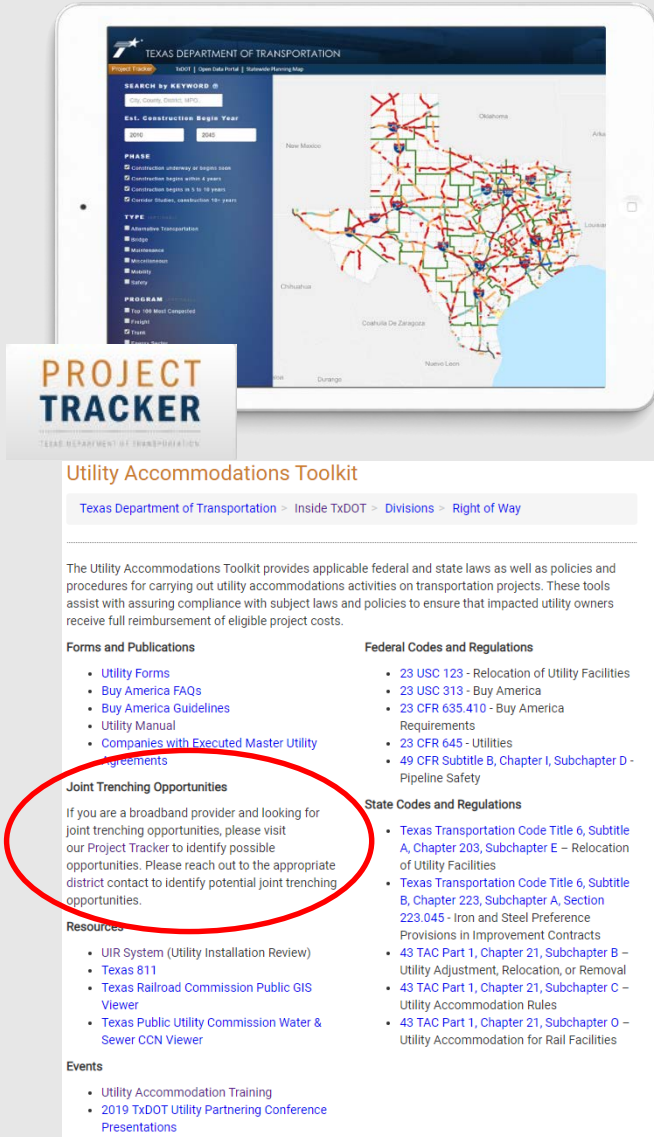
- TxDOT currently has connected assets in urban areas, but TxDOT seeks the same opportunities in rural areas which currently do not have the broadband networks that are necessary for these connected traffic systems.
 - Currently, TxDOT is preparing to engage with private sector broadband providers and stakeholders to propose partnering models.
 - As TxDOT plans for the future of connected vehicles and infrastructure, TxDOT believes broadband along our roads is critical to maximize the potential for safety and efficiency on Texas' roadways.
- Other states have successfully implemented shared-use programs for expansive broadband deployment that benefits both private and public entities.
 - TxDOT is committed to partnering with all stakeholders to find the most effective way to support the citizens of Texas across all interests.



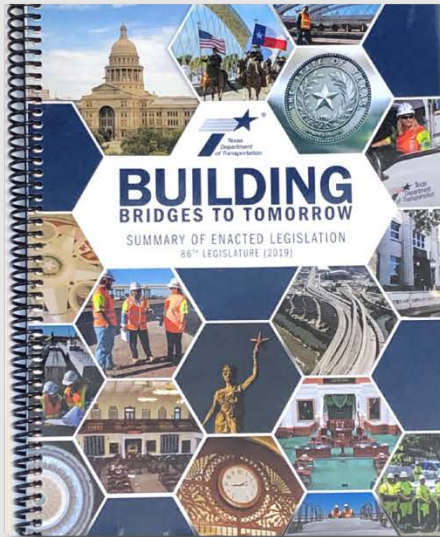


HB 2422 added new Subchapter H-1 to Chapter 201, Texas Transportation Code:

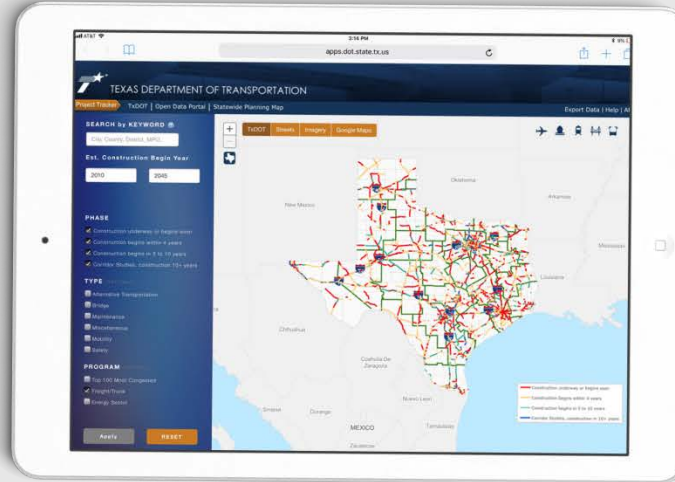
- The Act requires TxDOT to provide notice on TxDOT's website "of ongoing and planned highway construction projects for which the department will provide voluntary joint trenching opportunities in the state's right of way for broadband providers."
- Additionally, the Act requires TxDOT to give "special 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.
- Finally, the Act 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.



- TxDOT 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 (1st Report Estimated late October 2020).



Building Bridges to Tomorrow
Summary of Enacted Legislation
86th Legislature (2019)



TxDOT Project Tracker
To view up-to-date project information
for your district and state, visit 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.



Tab

3

DRAFT Potential Motion Relating to Governor's Broadband Development Council Report

Council Member: I move to permit and authorize Chairman Sproull, and, to the extent Chairman Sproull determines appropriate, the subcommittee chairs of each of the four Governor's Broadband Development Council subcommittees, to edit, finalize, and submit the 2020 electronic report due to the governor, the lieutenant governor, and the members of the legislature from the Governor's Broadband Development Council under Section 490H.007 of the Texas Government Code.

Wait for "Second" from another Council Member; then

Chairman Sproull: Any opposed? If none, the Motion passes.

- If there appears to be more than one opposed, conduct a voice vote – all in favor, say "aye", all opposed, say "nay."
- Chairman Sproull: The ayes have it OR the nays have it, depending on the outcome of the voice vote.