A BILL

To require Federal agencies to timely respond to right-of-way requests for the build out of broadband service, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Accelerating Rural Broadband Deployment Act”.

SEC. 2. ACCESS TO FEDERAL RIGHTS-OF-WAY FOR BUILD OUT OF BROADBAND SERVICE.

(a) DEFINITIONS.—In this section:

(1) BROADBAND SERVICE.—The term “broadband service” means—
(A) any service that has the capacity to transmit data to enable users or devices to originate and receive high-quality voice, data, graphics, and video;

(B) any service by wire or radio that provides the capability to transmit data to, and receive data from, all or substantially all internet endpoints—

(i) including any capabilities that are incidental to, and enable the operation of, the service; and

(ii) excluding dial-up internet access service; or

(C) any service that is the functional equivalent of a service described in subparagraph (A) or (B).

(2) EXECUTIVE AGENCY.—The term “Executive agency”—

(A) has the meaning given the term in section 105 of title 5, United States Code; and

(B) does not include the Department of Defense, except for the Army Corps of Engineers.

(b) ACCESS.—
(1) IN GENERAL.—If an Executive agency, a State, a political subdivision or agency of a State, an Indian tribal government, or a person, firm, or organization requests access to a right-of-way owned by the Federal Government, or an instrumentality thereof, in order to place, construct, modify, or operate facilities for the provision of broadband service, the Executive agency having control of the right-of-way may grant to the applicant, on behalf of the Federal Government, a license of occupancy authorizing the deployment of all equipment required to deploy broadband service.

(2) DURATION.—A license of occupancy issued under this subsection shall be issued with a duration of not more than 30 years and may be automatically renewed for additional periods of like duration.

(3) FEE.—

(A) IN GENERAL.—Each Executive agency shall establish an annual license fee for a license of occupancy issued under this subsection.

(B) CONSIDERATIONS.—In establishing a fee under subparagraph (A), an Executive agency shall—

(i) consider property valuations based on the restricted and limited use nature of
the underlying parcel (adjacent commercial, private or multiple use properties shall not be used for the purpose of determining comparable valuations); and

(ii) the size of the portion of land requested to accommodate the equipment of the licensee that is required to deploy broadband service.

(C) ADJUSTMENTS.—An annual license fee established under this paragraph may be adjusted, not more frequently than once every 6 years, to reflect the current valuations upon renewal of such license.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to exempt an Executive agency from the requirements of division A of subtitle III of title 54, United States Code, or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) TIMELY CONSIDERATION OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date on which an Executive agency receives a request under subsection (b), the Executive agency shall—
(A) on behalf of the Federal Government,
grant the application, grant the application sub-
ject to conditions, or deny the application; and

(B) notify the applicant of the decision of
the Executive agency under subparagraph (A).

(2) EXPLANATION OF DENIAL.—If an Executive
agency denies an application under this subsection,
the Executive agency shall notify the applicant in
writing of such denial, which shall—

(A) be supported by substantial evidence
contained in a written record; and

(B) include a clear statement of the rea-
sons for the denial.

(3) PUBLIC RELEASE OF RECORD.—The written
record described in paragraph (2)(A) shall be made
available to the public on the date on which the writ-
ten notification is provided to the applicant under
paragraph (2).

(4) AUTOMATIC GRANT OF REQUEST.—If an
Executive agency fails to act on a request received
under subsection (b) by the end of the 60-day period
described in paragraph (1), the application shall be
considered granted.
(d) REQUIREMENT.—Any regulation issued by an Ex-
ecutive agency governing management of access to a Fed-
eral right-of-way under this section shall—

(1) be competitively and technologically neutral; and

(2) apply to all providers of broadband service on a competitively neutral and nondiscriminatory basis.