

may be employed for mobile or fixed terrestrial wireless operations, including any appropriate coexistence requirements.

(c) Spectrum made available on and after February 11, 2016

Any spectrum that has been made available for licensed or unlicensed use on or after February 11, 2016, and that otherwise satisfies the requirements of section 1502 of this title may be counted towards the requirements of section 1502(a) of this title.

(Pub. L. 115-141, div. P, title VI, §604, Mar. 23, 2018, 132 Stat. 1099.)

§ 1504. Broadband infrastructure deployment

(a) Definitions

In this section:

(1) Appropriate State agency

The term “appropriate State agency” means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and carry out projects relating to the proper and effective installation and operation of broadband infrastructure.

(2) Broadband infrastructure

The term “broadband infrastructure” means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.

(3) Broadband infrastructure entity

The term “broadband infrastructure entity” means any entity that—

(A) installs, owns, or operates broadband infrastructure; and

(B) provides broadband services in a manner consistent with the public interest, convenience, and necessity, as determined by the State.

(4) State

The term “State” means—

(A) a State;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(b) Broadband infrastructure deployment

To facilitate the installation of broadband infrastructure, the Secretary of Transportation shall promulgate regulations to ensure that each State that receives funds under chapter 1 of title 23 meets the following requirements:

(1) Broadband consultation

The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

(B) establish a process for the registration of broadband infrastructure entities that seek to be included in those broadband infra-

structure right-of-way facilitation efforts within the State;

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) Priority

If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.

(c) Effect of section

This section applies only to activities for which Federal obligations or expenditures are initially approved on or after the date regulations under subsection (b) become effective. Nothing in this section establishes a mandate or requirement that a State install or allow the installation of broadband infrastructure in a highway right-of-way. Nothing in this section authorizes the Secretary of Transportation to withhold or reserve funds or approval of a project under title 23.

(Pub. L. 115-141, div. P, title VI, §607, Mar. 23, 2018, 132 Stat. 1104.)

§ 1505. Unlicensed services in guard bands

(a) In general

After public notice and comment, and in consultation with the Assistant Secretary of Commerce for Communications and Information and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after March 23, 2018, by competitive bidding under section 309(j) of this title, including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) Limitation

The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service.

(c) Rule of construction

Nothing in this section shall be construed as limiting the Commission or the Assistant Secretary of Commerce for Communications and In-