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OPINION COMMITTEE



FILE # ML-46156-09  
I.D. # 46156

GARNET F. COLEMAN  
STATE REPRESENTATIVE  
DISTRICT 147

August 25, 2009

The Honorable Greg Abbott  
Attorney General of Texas  
Post Office Box 12548  
Austin, Texas 78711-2548

RQ-0818-GA

Re: Request for opinion regarding a school district's authority to access and use a county's right-of-way for the installation of fiber-optic cable to service all schools within the district?

Dear Attorney General Abbott,

The Weslaco Independent School District (WISD) is in the third phase of a long-range project to provide fiber-optic connectivity to all campuses and administrative offices within WISD. Currently, all of the campuses and offices inside the City of Weslaco's city limits are connected; however, the campuses located in the City of Weslaco's extraterritorial jurisdiction (ETJ) are not connected with fiber-optic cable. The City of Weslaco's ETJ is located in Hidalgo County. WISD needs to access Hidalgo County's right-of-ways to connect the campuses located in the City of Weslaco's ETJ with fiber-optic cable. Hidalgo County has refused WISD's request to gain access to Hidalgo County's right-of-ways. Hidalgo County's explanation is that Texas statute does not grant a county authority to allow a school district access to a county's right-of-ways.

**Does a school district under Texas statute have authority to access and use a county's right-of-way for the installation of fiber-optic cable to service all of their schools within a school district?**

General Abbott, thank you very much for your attention to this request. If you have any questions please do not hesitate to contact my office.

Sincerely,

  
Garnet F. Coleman