

~~(e) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY amount set aside in the Transportation Authority Fund that is not needed to provide for the payment of the items specified in subsections (a)(2) and (b) of this section may be transferred, upon the recommendation of the Secretary and after the approval of the Board of Public Works, to the Transportation Trust Fund to be used as appropriated by the General Assembly unless prohibited by any applicable resolution or trust agreement.~~

~~(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR FISCAL YEAR 2008 ONLY, \$10,000,000 OF THE FUNDS IN THE TRANSPORTATION AUTHORITY FUND, WHICH ARE NOT REQUIRED BY LAW TO BE DISTRIBUTED TO THE COUNTIES OR BALTIMORE CITY, AND WHICH HAVE NOT BEEN PLEDGED OR OTHERWISE COMMITTED TO THE PAYMENT OF OR AS SECURITY FOR ANY BONDS OR OTHER DEBT ISSUED OR INCURRED IN ACCORDANCE WITH THIS ARTICLE, SHALL BE TRANSFERRED AND CREDITED TO THE RURAL BROADBAND ASSISTANCE FUND UNDER ARTICLE 83A, § 5-1903 § 5-1902 OF THE CODE FOR THE BENEFIT OF ONE OR MORE RURAL BROADBAND COOPERATIVES FORMED UNDER § 5-6C-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.~~

~~(II) THE TRANSFER OF FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS CONTINGENT ON THE FORMATION AND EXISTENCE OF AT LEAST ONE RURAL BROADBAND COOPERATIVE IN THE STATE AS OF JUNE 30, 2007. THE AMOUNT OF THE TRANSFER OF FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED BY ANY AMOUNT OF STATE FUNDS THAT ARE APPROPRIATED IN THE BUDGET OR OTHERWISE AVAILABLE TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT FOR FISCAL YEAR 2007 FOR THE PURPOSE OF ASSISTING IN THE ESTABLISHMENT OF BROADBAND COMMUNICATION SERVICES IN RURAL AND UNDERSERVED AREAS OF THE STATE.~~

~~[(2)] (3) The use and disposition of money to the credit of the Transportation Authority Fund is subject to the provision of the applicable bond authorizing resolution or trust agreement.~~

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~~(A) THE ADMINISTRATION SHALL ALLOW THE USE OF ANY RIGHT-OF-WAY FOR THE INSTALLATION OF BROADBAND COMMUNICATION INFRASTRUCTURE PROVIDED BY NONPROFIT TELECOMMUNICATIONS SERVICES PROVIDERS IN RURAL AND UNDERSERVED AREAS OF THE STATE WITHOUT IMPOSITION OF ANY CHARGE FOR THE USE OF THE RIGHT-OF-WAY.~~

~~(B) THE COST OF ANY RELOCATION OF BROADBAND COMMUNICATION INFRASTRUCTURE DUE TO FUTURE ROAD IMPROVEMENTS SHALL BE THE RESPONSIBILITY OF THE APPROPRIATE TELECOMMUNICATIONS SERVICES PROVIDER.~~

~~(C) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR OTHERWISE AFFECT ANY RIGHT GRANTED TO THE STATE OR A UNIT OF THE STATE UNDER § 253 OF THE FEDERAL TELECOMMUNICATIONS ACT OF 1996 WITH REGARD TO FOR PROFIT TELECOMMUNICATIONS SERVICES PROVIDERS.~~