

Improving Federal Rights-of-Way Management to Spur Broadband Deployment

Meredith Attwell

Senior Advisor to the Assistant Secretary

National Telecommunications and Information Administration

U.S. Department of Commerce

www.ntia.doc.gov

International Right of Way Association

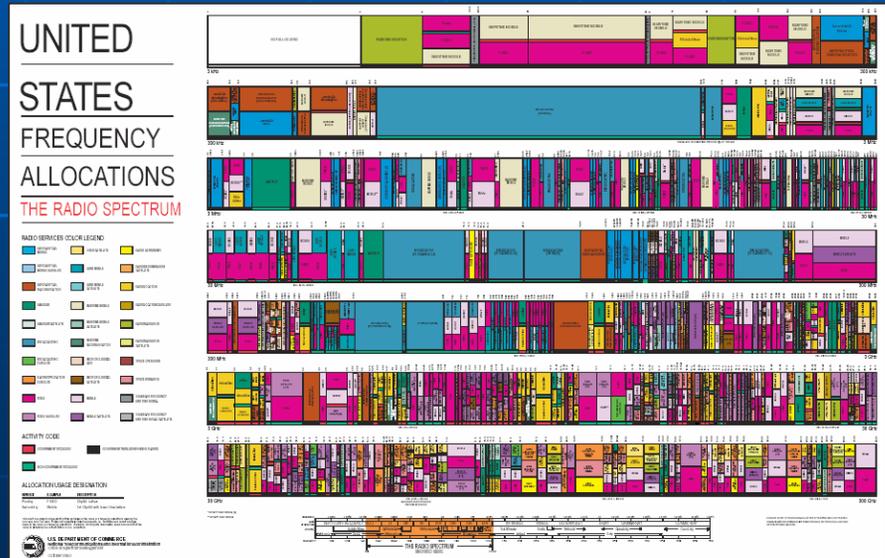
Washington, DC

January 27, 2005



The National Telecommunications and Information Administration (NTIA)

- Principal adviser to the President on telecommunications and information policy issues
- Represent the Executive Branch in international & domestic telecommunications policy activities
- Manage Federal Government use of frequency spectrum
- Perform telecommunications research and engineering for both the Federal Government and the private sector



- BASED ON THE TELECOMMUNICATIONS AUTHORIZATION ACT OF 1992

Benefits of Broadband

“[B]roadband will not only help industry, it’ll help the quality of life of our citizens.”

— President George W. Bush, US Department of Commerce, June 24, 2004

- Tele-Medicine
- Distance Learning
- Tele-Work
- National Security
- Jobs and Economic Growth



The President's Broadband Vision

Goal

"This country needs a national goal for broadband technology . . . universal, affordable access for broadband technology by 2007."

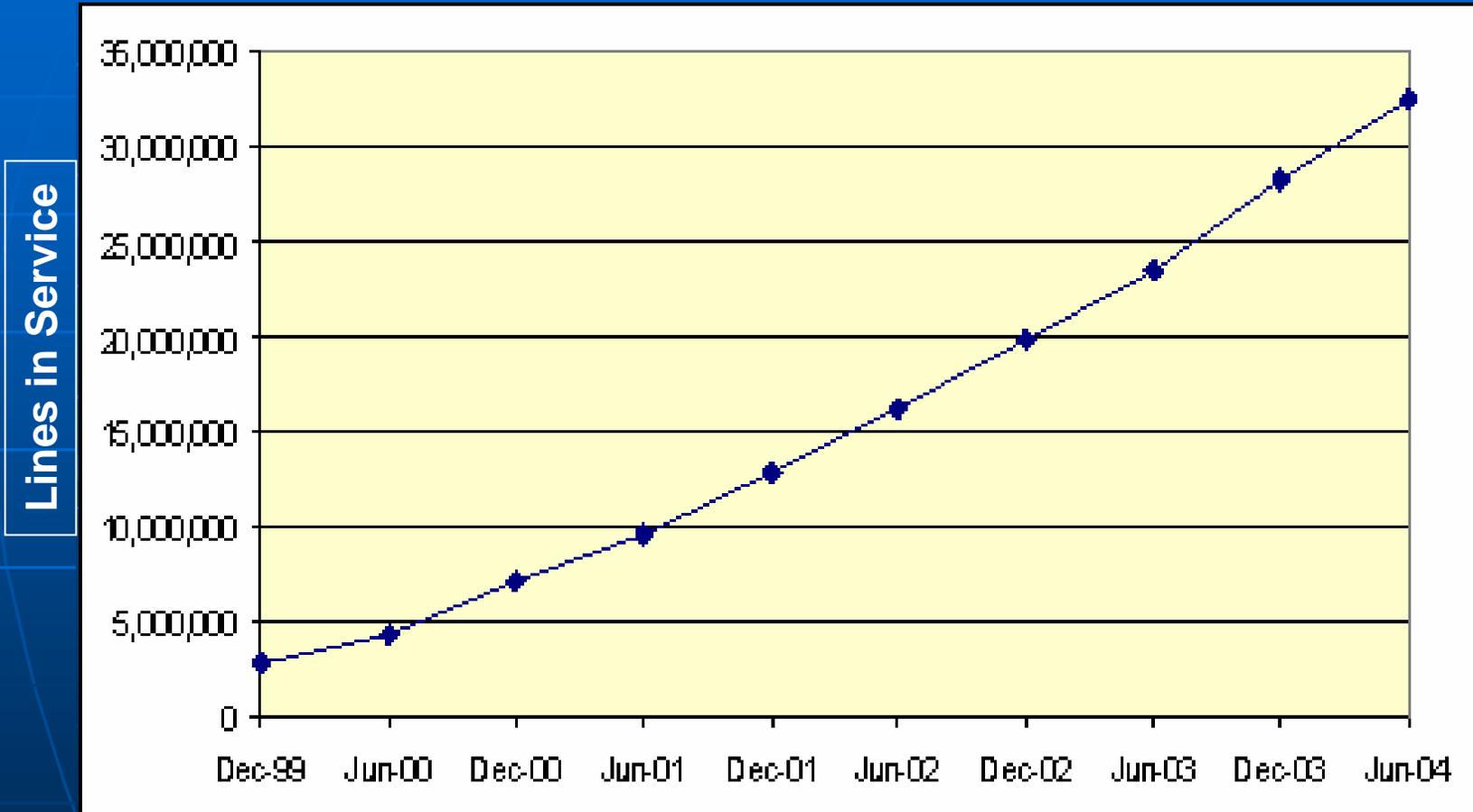
— President George W. Bush, Albuquerque, NM, March 26, 2004

Government's Role

"The role of government is not to create wealth; the role of our government is to create an environment in which the entrepreneur can flourish, in which minds can expand, in which technologies can reach new frontiers."

— President George W. Bush, Technology Agenda, November, 2002

Total High Speed Lines in the U.S.

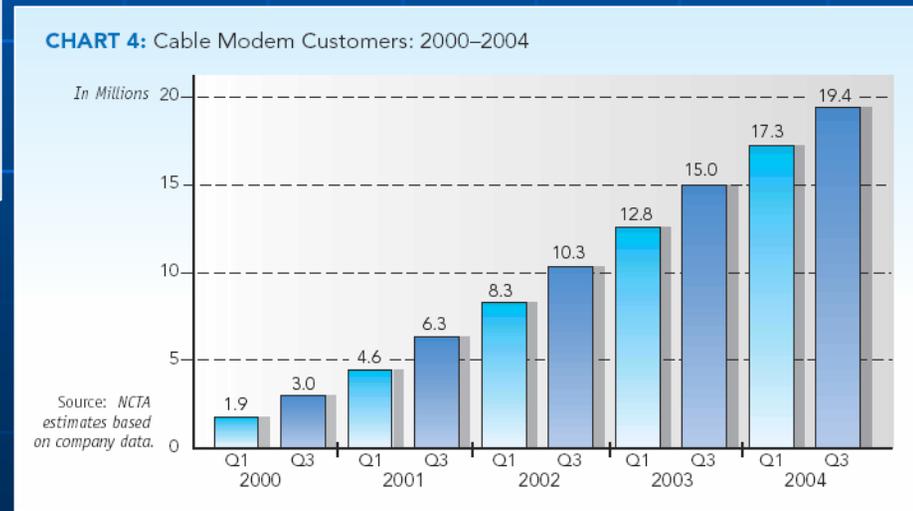


Source: FCC, December 2004

DSL Lines Continue to Grow...



...Cable Modem Subscriptions Have Also Experienced Significant Growth



Source: NCTA 2004 Year-End Industry Overview

Helping to Achieve the President's Broadband Vision

Improving Access to Rights-of-Way on Federal Lands:

“[B]roadband providers have trouble getting across federal lands...that’s why I signed an order to reduce the regulatory red tape for laying fiberoptic cables and putting up transmission towers on federal lands.”

- President George W. Bush, U.S. Department of Commerce, June 24, 2004

- On April 26, 2004, the President signed an executive memorandum directing federal agencies to implement the recommendations set out in the Federal Rights-of-Way Working Group report to the extent practicable, as permitted by law, and within existing budgetary authority.
- A Federal Rights-of-Way Working Group set out recommendations to improve rights-of-way management across federal lands to promote the deployment of broadband. The group called for improvements in:
 - 1) Information Access and Collection,
 - 2) Timely Processing,
 - 3) Fees and Other Charges, and
 - 4) Compliance.

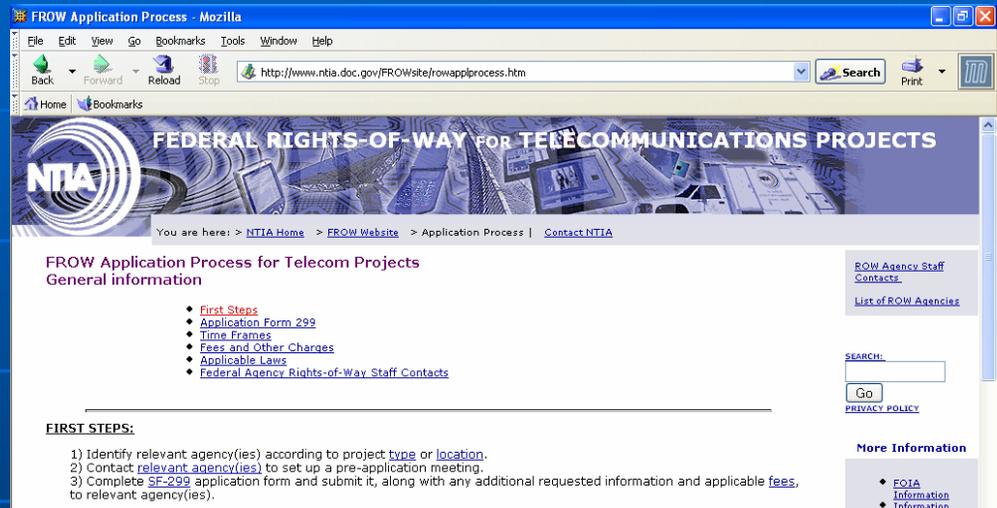
Working Group Recommendations

Recommendations address four key areas:

1. **Information Access and Collection** – to improve the public's access to information about obtaining a right-of-way and to streamline the application process
2. **Timely Process** – to speed federal agency action on rights-of-way applications
3. **Fees** – to ensure that federal agencies charge reasonable and appropriate fees for rights-of-way
4. **Compliance** – to equip agencies with the necessary tools to promote compliance with rights-of-way grants or permits

Information Access and Collection

- In July 2004, NTIA established a central Web site to provide information about the federal rights-of-way permit process, along with links to the major federal land management agencies.



- Federal land management agencies should:

- Update their agency Web sites
- Institute pre-application meetings with potential rights-of-way applicants
- Adopt by December 2004, a common application form - Standard Form 299 currently used by the Bureau of Land Management and the U.S. Forest Service

Timely Process

- Institute by December 2004 specific target time frames for completion of various steps involved in the rights-of-way permit process
- Designate a lead agency for projects involving more than one federal agency, and by December 2004, adopt internal procedures to ensure that such designations occur
- Use project managers, who are responsible for overseeing all aspects of an application's review within an agency
- Encourage telecommunications sector, state, local and tribal officials, and other stakeholders to participate in planning and coordination efforts for utility corridors and communications sites

Fees and Other Charges

- Initiate rulemaking proceedings by December 2004, as necessary and appropriate, to develop and implement cost recovery regulations that:
 - Promote predictability
 - Feature reasonable fees reflecting costs
 - Ensure accountability
 - Foster easy use by customers and agencies
- Consolidate cost recovery and rental fee duties in the lead agency for larger interagency projects
- Increase use of rental fee schedules where periodic rental payments are required

Compliance

- Make formal training available to federal agency staff and establish procedures to publicize training availability by December 2004
- Inform grantees of the option of hiring reputable third-party contractors
- Require grantees to submit periodic compliance reports
- Commence a rulemaking by December 2004, as necessary and appropriate, to implement agency authority to recover monitoring and other compliance costs
- Use agency authority to impose reasonable, but adequate, bonding requirements
- Impose fines to punish compliance violators

Next Steps...

- President Bush ordered agencies to:
 - Review policies and identify additional improvements to the rights-of-way grants process for broadband networks; and
 - Report to him through Office of Management and Budget by April 26, 2005 on all actions taken to implement the recommendations

Conclusion

- The President's efforts to improve rights-of-way management on federal lands will play a vital role in the build-out of next generation high-speed networks to promote affordable broadband access for all Americans by 2007.