

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

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International Right of Way Association

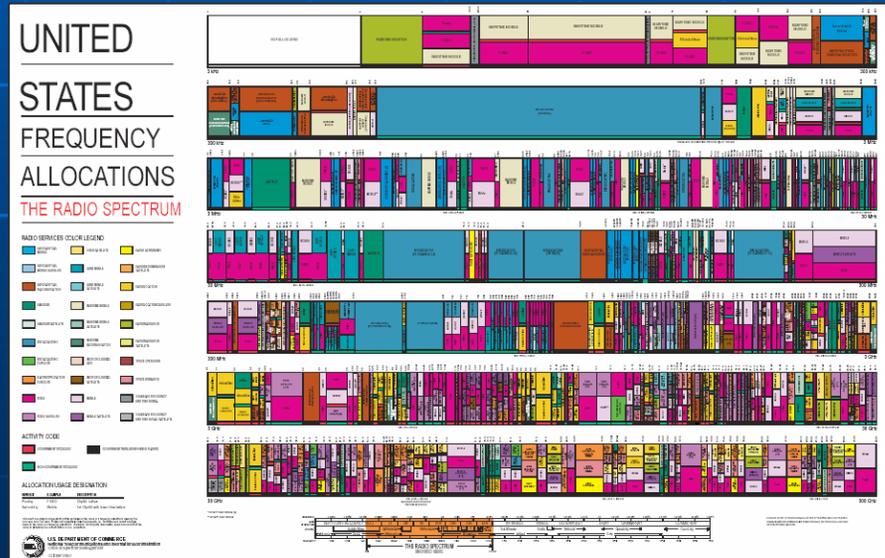
Washington, DC

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# 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."*

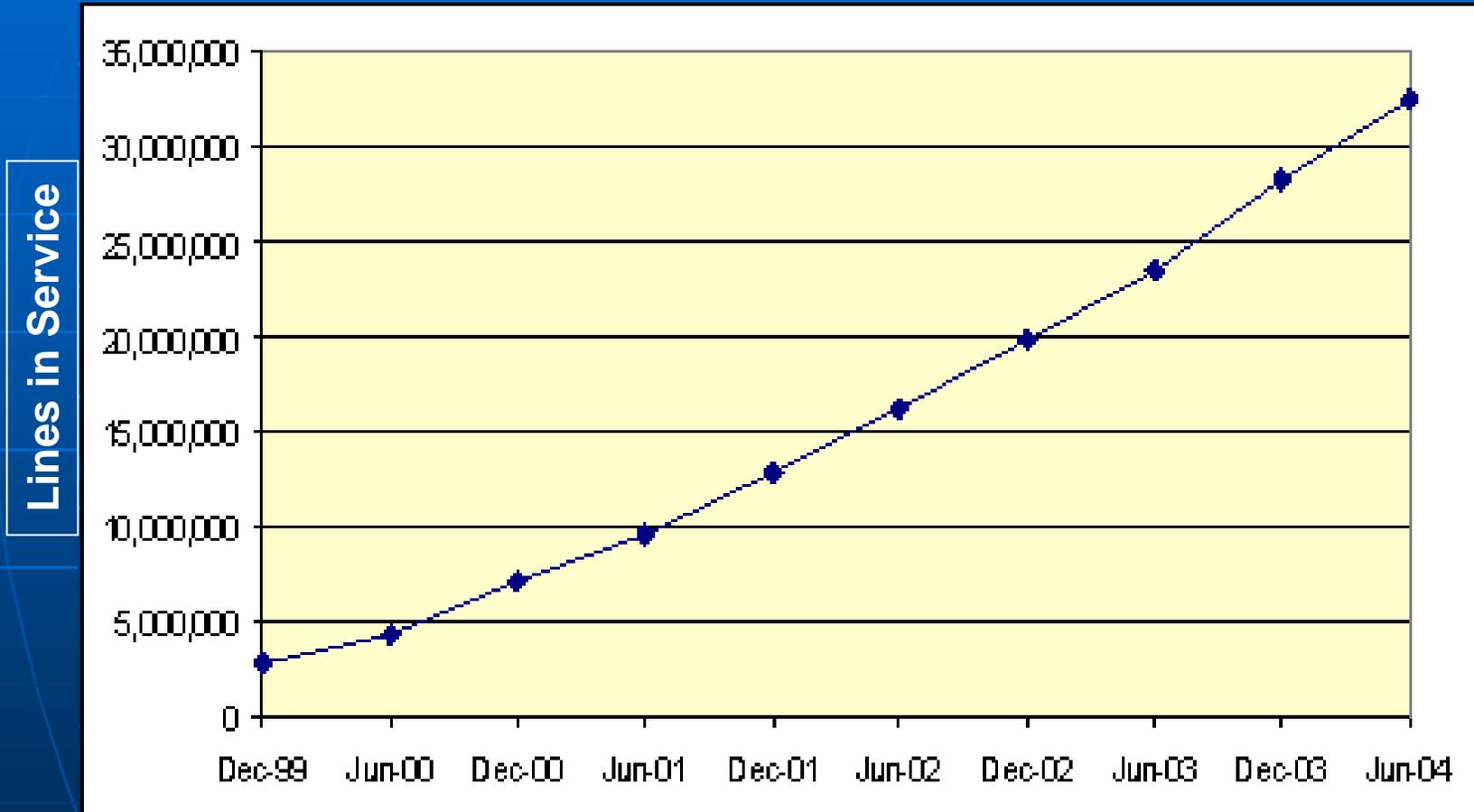
— President George W. Bush, Albuquerque, NM, March 26, 2004

## 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."*

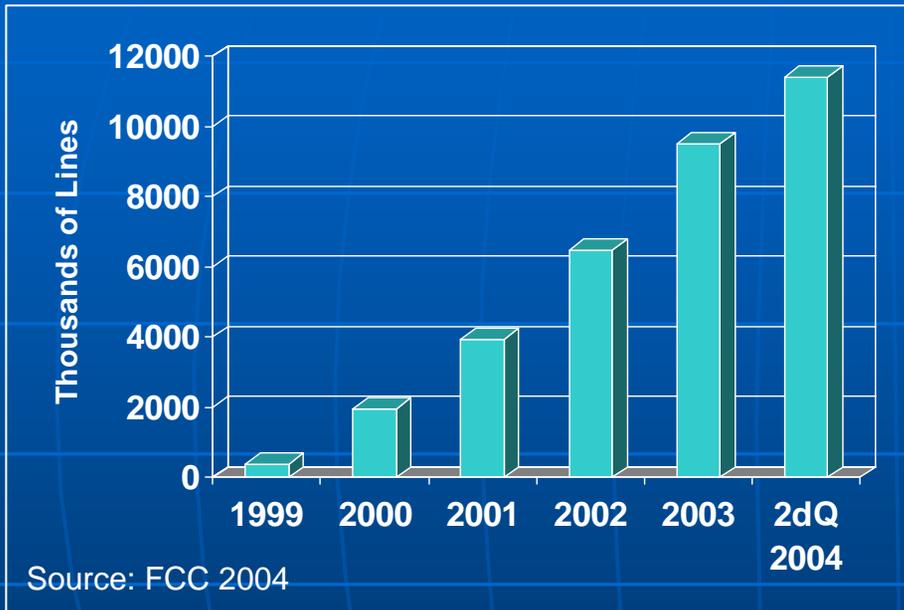
— President George W. Bush, Technology Agenda, November, 2002

# Total High Speed Lines in the U.S.

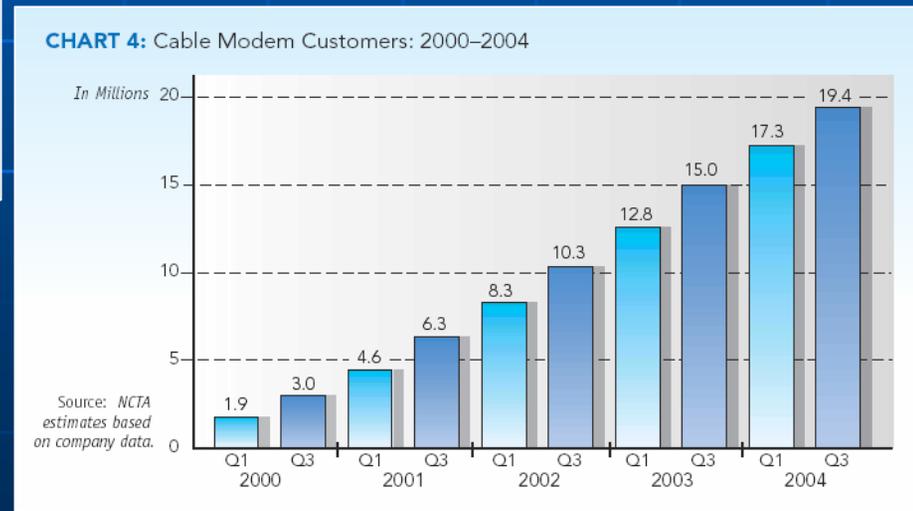


Source: FCC, December 2004

# 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.