

From: [Franklin, Kenny](#)
To: [BOCrfc2015](#)
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Attachments: [response to discussions-federal legislation for broadband using LARW.DOC](#)

Please receive the comments from IN Dept of Transportation

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"The grass is not always greener on the other side of the fence. Fences have nothing to do with it. The grass is greenest where it is watered. When crossing over fences, carry water with you and tend the grass wherever you may be."

--Robert Fulgham

Greetings:

Thank you for allowing the Indiana Department of Transportation to provide input into this important matter.

In Indiana, we are concerned that all citizens do not have efficient access to high-speed internet, especially in rural areas. However, providing the “last mile” service is not cost effective for broadband providers to install facilities to serve such very few customers, and there are too many hindrances and delays in getting permits.

Indiana’s Lieutenant Governor led an industry committee in 2014 to discuss the expansion of broadband facilities, emphasizing the goal of every citizen to have access to high-speed internet. INDOT actively engaged in this effort; specifically, we discussed how we might facilitate the expansion of broadband by opening our Limited Access rights-of-way. The broadband providers in Indiana stated that they found little to no value added if allowed to use interstate rights-of-way for the purposes of getting the rural communities and “the last mile” served. However, there was considerable discussion about being more lenient in allowing providers to attach to bridges which is not currently allowed. Our Utility Accommodation Policy has been adjusted to allow for some exceptions to that policy. These exceptions provide an opportunity for dialogue about the need to attach to bridges in specific locations and what challenges would otherwise prevent the provider from expanding services. With this, we are able to make business decisions that promote expansion without compromising our bridge inspections, maintenance, and reconstruction activities.

Indiana also recently passed legislation supporting a streamlining of the permitting process for communities wanting to be considered as “Broadband Ready Communities.” That effort is now led by the Economic Development Corporation.

In addition to the previous thoughts, our comments concerning federal legislation in regards to using our limited access rights-of way are stated below.

- 1) As previously stated: The broadband providers in Indiana stated they found little to no value added if allowed to use interstate rights-of-way for the purposes of getting the rural communities and “the last mile” served. However, there was considerable discussion about being more lenient in allowing providers to attach to bridges
- 2) In Indiana we define broadband providers as utilities. Also in Indiana, we do not charge utilities/broadband providers for using our rights-of-way. We limit all use of LARW. We would have significant issues defending a position that allowed one utility type to use space that was prohibited by other utilities. We can overcome that but it is a considerable concern for us, warranting cautious and careful approach to the change in controlling LARW.
- 3) We believe and encourage that any legislation concerning utility use of public rights-of-way should increase the accountability of utilities to timely work with DOTs to relocate their facilities should a project impact that utility.
- 4) Further that, there should be more accountability to install utility facilities to specific geo-spatial coordinates within public rights-of-way providing GIS type as-builts for use in initiating future projects and coordination with other utilities.

INDOT has been a partner working with the industry to find ways to expand and improve broadband service. We are committed to continuing that effort. Thank you again for allowing us to comment on the proposed legislation.

Sincerely,
Kenny Franklin
INDOT Director of Utilities