

PUBLIC POLICY PRIORITIES 2020

Public Rights-of-Way Management and Universal, Affordable Access to Broadband and Cellular Services

BACKGROUND AND RATIONALE

CPWA Priorities:

- Implement a national strategy to ensure universal, affordable access to broadband and cellular services
- Provide dependable, predictable funding for broadband and cellular services, as well as training in the management of public rights of way, to rural, remote and northern communities
- Ensure the authority of public agencies to regulate and manage public rights-of-way

Telecommunications, including broadband internet and cellular services, are essential utilities, critical to public safety, economic development and quality of life. Most telecommunications infrastructure is located within a public right-of-way (ROW) – land acquired and developed by public agencies for transportation routes, water supply, waste disposal, power distribution, means of communications and similar services provided for the common good. Even wireless communications depend on physical equipment and connections, often located within ROWs. Accommodating both public and privately-owned utilities in ROWs has long been recognized to be in the public interest.

Public agencies must have the authority to regulate and manage ROWs on behalf of their citizens, including the ability to:

- Establish permit, location, inspection and pavement restoration controls
- Encourage cooperation among, and develop scheduling and coordination mechanisms for, all ROW users
- Obtain and maintain accurate information for locating existing and new facilities in ROWs
- Approve third-party access agreements for equipment located in ROWs
- Hold responsible parties accountable for restoration of ROWs to ensure structural integrity, availability, safety and accessibility

- Charge and receive fair and reasonable compensation for the use of ROWs

Under Section 43 of the Telecommunications Act, telecommunications carriers must obtain the consent of municipalities to install their equipment, but municipalities do not currently have the ability to charge and receive fair and reasonable compensation ('rent') for use of ROWs. Municipalities, particularly in rural, remote and northern communities, are eager for services and unlikely to charge unreasonable rent. However, public agencies, who have a limited tax base, face challenges when striving to keep ROWs in a state of good repair and free of unnecessary encumbrances – including the abandonment of obsolete equipment – while business demands grow faster than can be accommodated by infrastructure capacity and the number of players working in ROWs increases. The budgets of public agencies are directly impacted by the requirements for administration, traffic control and re-routing, and inspections related to the construction, installation, repair and maintenance of these systems.

Public agencies, particularly in rural, remote and northern communities, must also be free to innovate in closing the connectivity gap by becoming carriers themselves or investing in open access networks that can be leased to an internet service provider (ISP).