

SHORT STATEMENT OF R. D. MORGAN  
APRIL 15, 1986  
FIBER OPTIC CABLE

I am pleased to appear and discuss using freeway right-of-way for the longitudinal installation of fiber optic cable. With your permission, I will briefly summarize my statement and submit the entire statement for the record.

Your invitation letter asked that I address five subject matters. The first of these is "The history of Federal policy regarding utility accommodation along and in the right-of-way of the Interstate Highway System.". Federal policy was developed under provisions of the Federal-Aid Highway Act of 1956 which provide that standards for the Interstate System shall be approved by the Secretary in cooperation with the State highway departments. In 1959, AASHO, the American Association of State Highway Officials, issued "A Policy on the Accommodation of Utilities on the National System of Interstate and Defense Highways". FHWA adopted this policy. The primary objectives of the policy were and are to develop and maintain access control, to increase highway safety and function to the maximum, and to insure uniformity of utility treatment among the States. The policy permits utility installations to cross over or under the Interstate and prohibits longitudinal utility installation with "extreme cost exceptions" under extraordinary and costly conditions. The policy was reevaluated and reissued in 1969 and in 1982. The policy maintains access control to permit the safe and efficient flow of traffic on the Interstate.

Second, you asked that we provide "A list of exceptions that may have been granted to the general prohibition of use of the right-of-way by utilities." We do not have this listing. We will canvas our field offices and submit a listing. It would be safe to assume that the number of exceptions granted have been few and have involved short distances of 2 miles or less.

Third, you ask that we provide "A status report on the study being conducted by the Rand Corporation for the Department of Transportation on the feasibility of using Interstate right-of-way to accommodate fiber optic cable as an emergency preparedness measure and its expected completion data." Rand is gathering information and holding discussions. A draft report will be available by late summer with the first phase of the study completed by October 1, 1986. If the first phase indicates that a nationwide network is feasible, a second phase will be undertaken to provide a more detailed analysis of the concept and selected routes.

Fourth, you asked for "A status report on the request made by the State of New York for an exception or waiver to the Federal Highway Administration's existing policy and an estimate of when the review might be completed." New York wishes to install a fiber optic cable on 5.99 miles of Interstate in the Albany area. Such installation can be considered under the "special case exception" provision of FHWA regulations. New York Department of Transportation (NYDOT) needs to submit a study of feasible alternate locations outside freeway right-of-way, cost estimates for these alternates, justification as to why alternates are being

rejected, and details showing the location of the fiber optics cable within the 5.99 mile segment including access provisions to build and maintain the line. When this information is received, FHWA will act quickly on the request.

You also asked for "A status report on the Federal Highway Administration's overall review of the existing regulations with respect to utility accommodation and the expected completion date of this review." On April 1 a notice was published in the Federal Register announcing to the public that a review was underway. The FHWA and AASHTO are both reviewing freeway utility use policy. The issues involved are varied and complex, but offer important opportunities.

In summary, we are looking at all the issues involved. Any modification of policy which may affect safety will only be considered after evaluation of the impacts and only after obtaining the views of the state highway agencies which are essential parties to any change in Interstate standards. To accomplish this, we plan to solicit public comment on any proposed modification through the issuance of a notice of proposed rulemaking. We expect to complete these tasks around mid-summer.

I will be happy to respond to any questions.