

Written Testimony of Congresswoman Anna G. Eshoo
House Committee on Transportation and Infrastructure
May 14, 2019

Chairman DeFazio, Ranking Member Graves, and honorable members of the Committee on Transportation and Infrastructure, thank you for allowing me to submit this testimony in support of my bipartisan bill, H.R. 2692, the *Broadband Conduit Deployment Act*.

This commonsense, bipartisan legislation would mandate the inclusion of conduit—plastic pipes which house fiberoptic cables—during road construction receiving federal funding if there is a demonstrated need for broadband in the area within the next 15 years. ‘Dig once’ eliminates the need for digging up roads to install conduit for fiber at a later date. We call it a ‘dig once’ policy.

According to the Federal Communications Commission (FCC), 21.3 million Americans lack access to broadband.¹ Much of this is simply a problem of economics. Many rural communities and low-income neighborhoods in urban settings do not have the number of residents to make infrastructure investment profitable for private companies.

‘Dig once’ is a smart, economical solution because the cost savings from this policy are significant. The Federal Highway Administration estimates it is ten times more expensive to dig up an existing road for conduit than to include it during road construction.² A Government Accountability Office study found that a ‘dig once’ policy can save 25 to 33 percent in construction costs in urban areas and 16 percent in rural areas.³ These costs don’t include the inconvenience of communities where roads are dug up a second time, disrupting traffic patterns.

‘Dig once’ ensures that we don’t leave rural and low-income urban communities out of 21st Century infrastructure. When America experienced electrification, we invested in ensuring all Americans would have access to this ground-breaking new technology. When America gained telephony, we did the same. This is why there are electricity and telephone poles throughout rural America and in low-income urban neighborhoods.

I first introduced this bill in 2009 when our country began installing fiber cables in serious, though insufficient, ways. Over the years, companies, industry groups, and left-leaning and right-leaning groups have all supported ‘dig once.’ Some states and cities have instituted their own ‘dig once’ policies. Our country’s first National Broadband Plan called for Congress to pass ‘dig

¹ “2019 Broadband Deployment Report” (Federal Communications Commission, forthcoming).

² “Executive Order: Accelerating Broadband Infrastructure Deployment, USDOT-FHWA Background Paper and Work Plan Strategy” (Department of Transportation, Federal Highway Administration, and Office of Policy and Governmental Affairs, December 2012), <https://www.fhwa.dot.gov/policy/otps/workplan.pdf>.

³ “Planning and Flexibility Are Key to Effectively Deploying Broadband Conduit through Federal Highway Projects” (Government Accountability Office, June 27, 2012), <https://www.gao.gov/assets/600/591928.pdf>.

once' legislation.⁴ In her 2019 book *Fiber*, Harvard Law Professor and telecommunications expert Susan Crawford specifically endorses the 'dig once' policy.⁵

Last year, a preliminary version of the 'dig once' policy was part of the Consolidated Appropriations Act, 2018, requiring states to begin the process of analyzing the need for conduit. The *Broadband Conduit Deployment Act of 2019* provides the much-needed next step of requiring the inclusion of conduit in federally-funded road construction.

All of us in Congress must consider how our country will operate years and decades in the future. This committee is unique in being charged with setting the very literal physical foundation upon which our country's future will be built. It is in this spirit I ask you consider connectivity and broadband as issues worthy of consideration.

Thank you for your attention to this matter.

⁴ "National Broadband Plan" (Federal Communications Commission, March 17, 2010), <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf>.

⁵ Susan Crawford, *Fiber: The Coming Tech Revolution—and Why America Might Miss It* (New Haven, CT: Yale University Press, 2018), 208.