

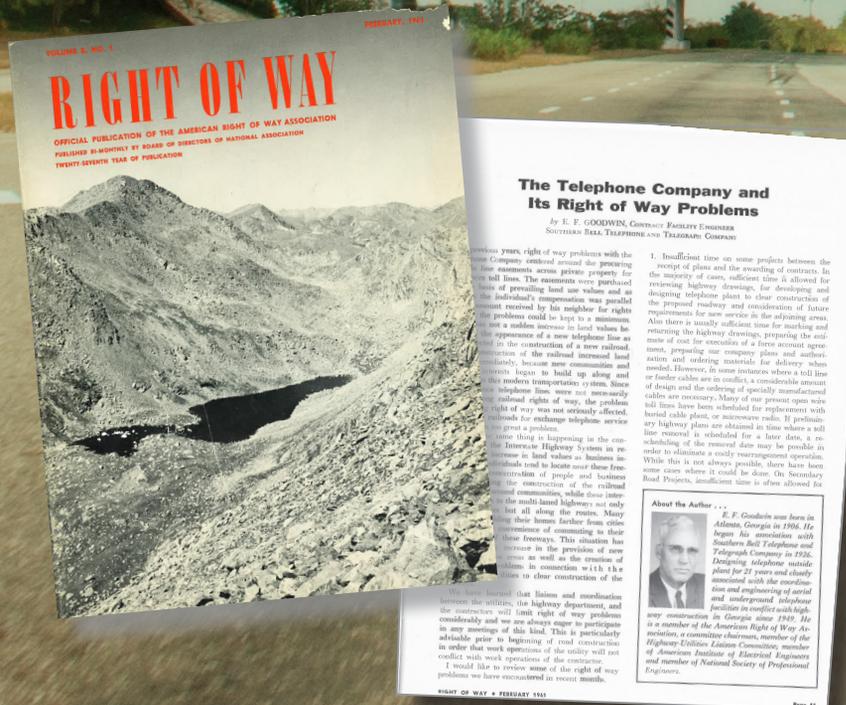


The Telephone Company and Its Right of Way Problems

Southern Bell Telephone and Telegraph Company

BY E.F. GOODWIN

The following piece is an edited republication of an article from the February 1961 issue of Right of Way Magazine. We hope you enjoy reading about where we've been, appreciate how far we've come and be inspired by where we'll go next.





In previous years, right of way problems with the Telephone Company centered around the procuring of pole line easements across private property for open wire toll lines. The easements were purchased on the basis of prevailing land use values and as long as the individual's compensation was parallel to the amount received by his neighbor for rights of way, the problems could be kept to a minimum. There was not a sudden increase in land values because of the appearance of a new telephone line as was reflected in the construction of a new railroad.





The construction of the railroad increased land values immediately, because new communities and business interests began to build up along and adjacent to this modern transportation system. Since long-distance telephone lines were not necessarily located along railroad rights of way, the problem of acquiring right of way was not seriously affected. Crossing of railroads for exchange telephone service has not been too great a problem.

Today, the same thing is happening in the construction of the Interstate Highway System in regard to the increase in land values as business interests and individuals tend to locate near these freeways. The concentration of people and business interests during the construction of the railroad was centered around communities, while these interests are drawn to the multi-laned highways not only in communities but along the routes. Many people are building their homes farther from cities because of the convenience of commuting to their work by use of these freeways. This situation has caused a steady increase in the provision of new facilities to these areas as well as the creation of right of way problems in connection with the relocation of facilities to clear construction of the roadways.

We have learned that liaison and coordination between the utilities, the highway department and the contractors will limit right of way problems considerably, and we are always eager to participate in any meetings of this kind. This is particularly advisable prior to beginning of construction in order that work operations of the utility will not conflict with work operations of the contractor.

I would like to review some of the right of way problems we have encountered in recent months.

1. Insufficient time on some projects between the receipt of plans and the awarding of contracts. In the majority of cases, sufficient time is allowed for reviewing highway drawings, for developing and designing telephone plant to clear construction of the proposed roadway and consideration of future requirements for new service in the adjoining areas. Also, there is usually sufficient time for marking and returning the highway drawings, preparing the estimate of cost for execution of a force account agreement, preparing our company plans and authorization and ordering materials for delivery when needed. However, in some instances where a toll line or feeder cables are in conflict, a considerable amount of design and the ordering of specially manufactured cables are necessary. Many of present open-wire toll lines have been scheduled for replacement with buried cable plant or microwave radio. If preliminary highway plans are obtained in time where a toll line removal is scheduled for a later date, a rescheduling of the removal date may be possible in order to eliminate a costly rearrangement operation. While this is not always possible, there have been some cases where it could be done. On secondary road projects, insufficient time is often allowed for the preparation of plans and coordination with the contractor. The furnishing of preliminary plans as soon as the proposed road is located, and earlier notification of secondary projects have been discussed with state highway engineers, and we feel there will be improvement in this area.





- 2.** Acquiring right of way adjacent to interchange areas after the landowner has learned of the proposed highway often creates a problem. Since land values have increased, and the possibility of greater profits may be realized, the landowner is reluctant to permit occupancy of the property for fear it will tend to jeopardize the sale.

This is very much in line with the response I received when advance preliminary plans were requested from state highway engineers that they would release these plans to reliable persons, but they didn't want them to get into the hands of unscrupulous persons who will attempt to purchase property in advance for the purpose of increasing the price for a profit.

- 3.** In order to clear construction of improvements of primary, secondary and rural roads, telephone pole lines are usually relocated to an alignment within but near the outer edge of the highway right of way. A problem arises in the right of way is not always cleared of trees beyond the construction limits. The telephone company must cut these trees within the highway right of way and pass the expense along to the highway department. It sometimes happens that adjacent property owners will object when the Telephone Company attempts to cut trees within the highway right of because a representative of the highway department has assured them that the trees would not be cut for highway construction.

The same problem arises with property owners when the Company attempts to build a pole line in the last 10 feet of right of way on an existing road. This can be worse than new construction because people seem to become more attached to a tree as years go by, and it becomes a part of their landscape.

In the case of new highway construction, when a pole line is existing on the right of way, it would appear more economical for the department's contractor to clear the trees rather than have the utility do the work and bill the department. It would also lessen the public relations problem if the trees were all cut in connection with the actual road construction.

- 4.** Another problem is in connection with the requirements as indicated in the "Policy on the Accommodation of Utilities on the National System of Interstate and Defense Highways" whereby a utility is not allowed to install facilities within the control of access of an interstate highway where frontage roads are not designed. Control of access lines practically always coincide with the right of way lines where frontage roads are not constructed. When it is necessary to relocate our facilities to clear the construction of an interstate highway project where frontage roads are designed, we are able to install our

facilities in a permanent location where we can provide telephone service without having to relocate the lines again for road improvements. When frontage roads are not included in the project, we must secure right of way from property owners adjacent to the proposed highway. Later, when frontage roads are required, telephone lines will again have to be relocated to a new location. It would appear that sufficient right of way could be secured with the original purchase to include future frontage roads. The utilities could place their facilities inside the outer edge of the right of way in a permanent location. Although there would be no established trial or road, any serving or maintenance of the plant could be performed without entering the through traffic roadway, as we have been maintaining our toll lines for years, and most of them are located away from roads and highways.

- 5.** Another problem that occurs on some projects is the failure of the contractor to arrange a coordination meeting. Where we have contractor coordination, problems are kept to a minimum and unnecessary expense is avoided. The first information received on some projects is either a demand to relocate the plant immediately or that plant has been damaged by the contractor.

When construction is authorized, it is the responsibility of the contractor for the highway department, as provided by the plans and specifications, to arrange with the utility owner in cooperation with the resident or project engineer to coordinate the work to be performed by the utility owner and the highway contractor. This is necessary so there will be no delay in the removal and relation of the utility conflicts with highway construction under his contract.

This is a very important provision of this established routine, and the agreement reached at this field meeting should result in the utilities making only one move at the right time and to the right spot without holding up contract work. Provisions for safe handling of work by all parties should be thoroughly discussed and proper precautions taken to ensure safety to all parties as well as for preventing damages and interruptions to utility services. ⚡



E.F. Goodwin was born in Atlanta, Georgia, in 1906. He began his association with Southern Bell Telephone and Telegraph Company in 1926. Designing telephone outside plant for 21 years and closely associated with the coordination and engineering of aerial and underground telephone facilities in conflict with highway construction in Georgia since 1949. He is a member of the American Right of Way Association, a committee chairman, a member of the Highway-Utilities Liaison Committee, a member of the American Institute of Electrical Engineers and a member of the National Society of Professional Engineers.