

EXECUTIVE SUMMARY

COUNCIL ATTACHMENT 1

Model Utility Procedures Manual

York / Durham Regional & Municipal Road Authorities

The “Model Utility Procedures Manual” originated as a potential tool to address concerns raised by the York Region Municipal Utility Coordinating Group regarding the impacts on road authorities and utilities due to the deregulation of the telecommunications, broadcast and hydro industries.

The York Region Municipal Utility Coordinating Group (YMUCG) was formed in 1999 to work collectively on common policies related to the deregulation of above noted industries. The product of their initial efforts was a discussion paper entitled, “*The Impacts on Municipalities and all Utility Companies due to Telecommunications and Broadcast Industry Deregulation*” in January 2000. A copy of this discussion paper is included in Appendix A of this manual and should be reviewed to appreciate the road authority issues and concerns to be addressed by the procedure manual. The YMUCG held meetings with the utilities and the UDI to review the discussion paper and find common ground on the issues / impacts of deregulation. Upon completion of these meetings in February 2000 the YMUCG established the following goals:

- Prepare a procedures manual to guide the York Region road authorities with the approval of utility plant installations;
- Have the manual adopted by the participating road authority Councils; and
- Form a Utility Co-ordinating Group to have stewardship of the manual and keep the manual current.

In May / June 2000, the YMUCG retained the services of TSH and Pacomm Consulting to prepare the model procedure manual. At approximately this point in time the YMUCG entered into discussions with the Region of Durham and these discussions concluded with the local and regional road authorities in York and Durham Regions partnering with the development of the procedure manual given the issues and impacts in both jurisdictions are similar. At this point in time the York / Durham Utility Coordinating Group was formed and is hereinafter referred to as the YDUCG.

The “Model Utility Procedures Manual” evolved through the formation of “policy specific sub-groups” to deal with and focus discussion on specific issues and impacts with the purpose of developing the draft guiding principles, policy statements and procedures for the manual. The following four sub-groups were created:

- Information, Notification & Approval Issues Sub-Group;
- Design Issues Sub-Group;
- Subdivision Issues Sub-Group; and
- Cost Recovery Issues Sub-Group

The mandate of each sub-group is briefly described in the following sections:

Information, Notification and Approval Issues Sub-Group:

The general mandate of this sub-group was to develop guidelines and procedures for the following key issues:

- Permits
 - Why is a permit required
 - What work requires a permit
 - What information should be provided in support of a permit
 - Targets for processing permits
- Notification
 - Who gives and receives notification
 - When should notification be given
- As-built record keeping
- Restoration of utility cuts
- Security to guarantee performance of work
- QC/QA requirements
- Scheduling / coordination requirements

Design Issues Sub-Group:

The general mandate of this sub-group was to develop guidelines and procedures for the following key issues related to the design of capital works projects along existing road allowances:

- The coordination of road authority / utility capital work projects
- Common trench opportunities during road reconstruction / restoration projects
- Spare capacity opportunities
- Determining the existence of and locating existing underground plant
- Pre-engineering stakeouts of existing underground plant
- Preliminary road design / utility relocation issues
- Installation of utility plant on bridges and structures
- Damage prevention initiatives
- Streetscape aesthetics

Subdivision Issues Sub-Group:

The general mandate of this sub-group was to develop guidelines and procedures for the following key issues related to the servicing of new plans of subdivisions with utility plant:

- Servicing new roads with a common trench to efficiently utilize the boulevard
- Notification requirements with respect to common trench servicing
- Utility coordination plans and their approval process
- Damage prevention initiatives (pre & post assumption of the R-o-W)
- Streetscape aesthetics

Cost Recovery Issues Sub-Group:

The general mandate of this sub-group was to identify the various forms of costs and develop basic costing principles for the municipal consent process and access agreements. Issues considered by the sub-group included:

- Road authorities right to charge fees and recover costs for various work in the road allowance
- Review existing fee structures
- Determine what costs can be recovered by the road authority
- Determine if these costs are being recovered?
- Determine if the costs can be tracked and compiled in a database
- What action should be taken if costs are not tracked

The draft policies and procedures generated by the sub-groups were presented at a Workshop attended by the road authorities, utilities and the UDI. Feed back from the Workshop was solicited from the participants and this information was used to develop the policies and procedures presented in the Model Utility Procedures Manual.

Model Utility Procedures Manual

The Model Utility Procedures Manual is a living document, the stewardship and maintenance of which will be the responsibility of a Regional based utility coordinating committee, as originally envisioned by the YMUCG. It is intended that each local and regional road authority Council in the YDUCG adopt the model manual as the road authority Utility Procedures Manual and that road authority staff be directed to report back to their Council if amendments to the guiding principles are proposed or if the proposed change to a policy or procedure is not in conformance with the guiding principles. The procedures presented throughout this model manual are considered to represent best practices and it is recognized that each road authority may amend these procedures to best reflect their specific needs and existing practices.

The YDUCG is responsible for the stewardship of the model manual and as such the road authority should notify the YDUCG of any proposed amendments to their adopted policies and procedures so as to ensure the proposed amendments continue to follow the intent of the guiding principles and policies of the model manual.

The YDUCG will consult with the utilities before adopting any policy changes to the Model Utility Procedures Manual.

A brief description of the content of the Model Utility Procedures Manual has been prepared to assist in the understanding of the intent and purpose of each chapter and appendix:

Volume 1 of the Model Manual is comprised of chapters 1 to 12, inclusive.

Volume 2 of the Model Manual is comprised of the appendices in support of the policies and procedures in Volume 1.

Chapter 1 – General Purpose of the Model Procedures Manual

Generally the Model Utility Procedures Manual outlines a process for a utility to apply for and be granted municipal consent by a road authority for the installation or maintenance and repair of utility plant.

The key objectives of the Model Utility Procedures Manual are as follows:

- to establish common policies and procedures across larger jurisdictional boundaries so as to facilitate a coordinated road authority response to similar requests for approval of utility installations;
- to guide road authorities with the review, approval of utility installations;
- to guide road authorities with the development of fee schedules for the recovery of costs;
- to provide utilities with submission, notification, construction and certification requirements for proposed utility plant installations; and
- to provide a framework for the operation of Regional and local UCC's.

Chapter 2 – Definitions

This chapter provides the user of the manual with the definition of commonly used terms throughout the model manual.

Chapter 3 – Utility Coordination

This chapter outlines the organization and structure of the local and regional utility coordinating committees within the YDUCG. This chapter is significant in so far as it both identifies and describes the structure of the utility coordinating committee responsible for the stewardship of the model manual. Considering this is an original objective of the YDUCG it is important that the road authorities in the YDUCG agree on the structure and the mandate of this organization.

The benefits of an active utility coordinating committee are described as follows:

- provides a forum for the road authorities and utilities to meet and discuss common issues, share information and develop solutions to issues or project related matters
- provides a forum in which the road authorities and utilities can communicate and address issues such as:
 - the coordination of construction projects
 - damage prevention initiatives
 - development of standards and procedures for work in the road allowance
 - improvements to the permitting systems.

Chapter 4 – Guiding Principles and General Policies

This chapter provides a summary of the guiding principles and the general policies, which evolved from the feedback received at the workshop on the draft policy statements developed through the sub-group process. This chapter is significant as it outlines the principles and policies on which the procedures are to be based. As such it is important that all the road authorities in the YDUCG adopt these guiding principles so as to achieve a significant original objective of the YMUCG.

Chapter 5 – Right of Way Work Permits

This chapter outlines the utility obligations with respect to applying for a Right-of-Way Work Permit, which when issued is the road authorities granting of municipal consent. The chapter also outlines the review and approval procedures of the road authority and provides sample forms for the consideration of the road authority.

Chapter 6 – Payment of Fees

This chapter outlines a process whereby the road authority can recover costs incurred for the municipal consent approval process. The chapter speaks to the legislation and regulations governing the charging of fees and the collection of costs by a road authority for the municipal consent process. It is evident that the legislation and regulations governing the road authority's rights to charge fees and recover costs for the approval of municipal consent for work on utilities in the road allowance are subject to change over time. The new Municipal Act (effective January 1, 2003), may impact the ability of the road authorities to charge fees and recover costs for work on new or existing utility plant in the road allowance. The utility coordinating committee responsible for the stewardship of the model manual should review the ramifications of the new Municipal Act and report to the participating road authority Councils for the establishment of possible future action with respect the collection of the fees or the recovery of road authority costs. Regardless, it is very important for the road authorities to track all of their costs related to the management of work by utility companies in the right-of-way so as to develop a defensible database for the future collection of all road authority costs.

Chapter 7 – Notification Requirements

This chapter identifies the notification procedures for the application, approval and construction of utility plant in the road allowance. The general notification requirements are as follows:

- prior to applying for a permit
- prior to construction of permitted work
- cancelled projects
- abandoned and unknown plant
- backfilling of trenches
- restoration of working areas

The chapter also includes a sample notification letter and a project signage detail to assist in the implementation of the procedures.

Chapter 8 – Construction Requirements

This chapter generally outlines the procedures to be complied with by the applicant for a Right-of-Way Work Permit and their contractor prior to the commencement, during and upon completion of the permitted work.

Chapter 9 – Inspections by Road Authority

This chapter identifies typical inspection tasks associated with the construction of utility plant in the road allowance. It is recognized that the level of inspection effort required of road authority staff to be assured of a quality restoration work is a function of complexity of the proposed work in the road allowance and the quality of the road authority's restoration standards. With respect to the restoration standards for utility cuts, the National Research Council of Canada and the US Army Corp of Engineers are in the process of completing a three year research study, that commenced in May 2000, for the development and validating of effective utility cut restoration guidelines. The road authority's should upon completion of the study implement the conclusions and recommendations for the development of performance based specifications. This would require the road authority to review their existing standards and amend them to reflect the recommended guidelines of the study. Considering one of the objectives of the model manual is to develop common standards and procedures over larger jurisdictional areas it would be advantageous for all the road authority members in the YDUCG to work collectively on the preparation of effective utility cut restoration standards. For those road authorities that do not have any utility cut restoration standards or are considering updating their standards, they can refer to the "Reinstatement Standard Drawings" included in the Region of Ottawa-Carleton Draft Final Report on Management of Regional Rights-of-Way for Utility, Construction and Maintenance Activities. Copies of these reinstatement standards are included in Appendix P.

Chapter 10 – Submission of As-Built Records

This chapter speaks to when and how as-built records are to be submitted to the road authority.

Chapter 11 – Design Objectives

This chapter provides general guidelines for addressing the following:

- aesthetic issues and concerns with the installation utility plant in both urban and rural residential areas; and
- the location of proposed utility plant in both existing road allowances and proposed plan of subdivisions.

Chapter 12 – Municipal Access Agreement

The development of a common municipal access agreement (MAA) was beyond the scope of work for the preparation of the model procedure manual. Included in the model manual are two municipal access agreements for the information of the road authorities. It is intended that this Chapter be used by the individual road authority as a base on which to prepare their standard municipal access agreement(s).

Appendix A – Municipal Discussion Paper

The Municipal Discussion Paper is included in the model manual as it presents the original issues and concerns expressed by the YMUCG regarding the deregulation of the telecommunication and broadcast industries. This paper was used to focus the discussions of the sub-groups and develop the guiding principles and policies of the model manual.

Appendix B – FCM Paper on Telecommunications

This paper was included as good background information so as to provide the road authority with the Federation of Canadian Municipalities view on Telecommunications and the role of the road authority as managers of the rights-of-way.

Appendix C – Summary of Comments from Workshop No. 1

This appendix provides a summary of the feed back solicited from the participants of the workshop. The comments were used to develop the guiding principles and policies presented in Chapter 4 of the model manual.

Appendix D – NRC Information on Utility Cut Repair Best Practices

It is intended that this appendix be updated from time to time to reflect the current status of the National Research Council of Canada and the US Army Corp of Engineers study on utility cut restoration guidelines. The appendix could be expanded in the future to include other best practices information on utility cut restoration standards. The information in this appendix should contain the background information in support of the road authority's restoration standard drawings for utility cuts.

Appendix E –One Call Systems

This appendix includes information on the operation of a one call system which, as noted in Section 4.2.2 of the General Policies, can be an effective damage prevention initiative. Both the

road authority and the utility coordinating committee responsible for the stewardship of the model manual should further explore the benefits of a one call system.

Appendix F & G – Background Information for Information Management System

Section 4.2.5 of the General Policies recommends that the utility coordinating committee responsible for the stewardship of the model manual establish a sub-committee or task force to develop the form and content of an information management system. The information contained in these appendices will assist the subcommittee with the development a suitable information management system. It is intended that these appendices be updated from time to time to reflect the recommendations of the noted sub-committee or task force.

Appendix H – Memorandum of Understanding re: Utilities on Bridges / Structures

This appendix provides the background information in support of policies of Section 4.4 regarding the installation of utility plant on existing or proposed bridges.

Appendix I – Pavement Degradation Fee Schedule

This appendix includes the pavement degradation fee schedule as recommended in the policy in Section 4.5.3.7 of the model manual. This appendix could be used in the future to contain additional studies conducted to validate amendments to the fee schedule.

Appendix J – Optical Fibre Cables in Sewers

This appendix provides general articles of interest and background information on the application of new technologies for the installation of fibre in existing sewers. Information on the factors to be considered in the development of sewer selection criteria for the appropriate application of the technology is included in the appendix. It is intended that the appendix be updated from time to time to include current initiatives with respect to Canadian applications of the technology.

Appendix K – Consent Permit Fee Schedule

This appendix is to be used by the road authority to identify their fee schedule and include the background information collected in support of the fee schedule. The means of preparing the fee schedule are included in Appendix O.

Appendix L – Region of York Protocol for Establishing Telecommunication Facilities

The information in this appendix is in support of the policy in Section 4.8 regarding Telecommunication Towers. It is recommended that the road authorities adopt similar policies and procedures for the installation of telecommunication towers / facilities in their jurisdiction. The appendix can be updated by each road authority to reflect their own specific policies and procedures.

**Appendix M – Legal Opinion Regarding Right to Restrict Utility Service Providers
Access to Lands being Pre-Serviced for Plan of Subdivision**

The appendix includes the background information in support of the policy in Section 4.3.10 regarding the road authorities right to impose and enforce either a draft plan condition or a clause in a subdivision agreement which would require the Developer of a plan of subdivision to grant access to the common trenches and private properties (future lots) to competing service providers.

Appendix N – Subsurface Utility Engineering (SUE)

This appendix provides general background information on the subsurface utility engineering process and the benefits of implementing the process on road reconstruction projects.

Appendix O – Legislative and Regulatory Background on Fees for Consent Permits

This appendix includes background information on the acts and regulations governing the road authorities right to charge fees and recover costs associated with the granting of municipal consent. The information is in support of Chapter 6 – Payment of Fees and includes information on the procedures to be followed for establishing a fee structure and identifies eligible costs for the administration of the municipal consent process.

Appendix P – Roadway Cross-sections and Road Allowance Restoration Standards

It is intended that this appendix be used to include the standard road cross-sections and the utility cut restoration standards of the road authority. For now the appendix contains the following background information in support of procedures in the model manual:

- the “Reinstatement Standard Drawings” included in the Region of Ottawa-Carleton Draft Final Report on Management of Regional Rights-of-Way for Utility, Construction and Maintenance Activities;
- Location of utilities in the Roadway Cross-sections for Laneway Serviced Developments in the Town of Markham; and
- Summary tables of the location of utilities in all the standard road cross-sections of the road authorities in the YDUCG.

Appendix Q – Sample Municipal Access Agreements (MAA’s)

Sample MAA’s are included for the information of the user of the manual. It is intended that the Road Authority update Appendix Q from time to time with current copies of MAA’s with utilities.

