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MODEL UTILITY PROCEDURES MANUAL

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, February 18, 2004, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The following report be received for information by the Transportation and Works Committee.
2. Regional Council endorse the Model Utility Procedures Manual to provide a consistent guideline for the installation of utilities within The Regional Municipality of York's road right-of-ways.

2. PURPOSE

The purpose of this report is to provide Council with information regarding the potential use of the Model Utility Coordination Manual to provide guidelines when working with local utilities and other stakeholders that request space within the Regional road right-of-ways for their equipment.

3. BACKGROUND

Municipal staff from York Region and its local municipalities formed a group called the York Municipalities Utility Co-ordination Group (YMUCG). It was initially formed in 1999 as a forum to discuss issues relating to the deregulation of the telecommunications, broadcast and hydro industries.

In early 2000, the YMUCG realized that all municipalities within York Region were facing significant and similar pressures from the utility industry and resolved to establish some common practices and procedures for utility plant installations.

A consultant was retained by the group with the mandate to:

- Facilitate discussion regarding the research and preparation of a common Procedures Manual.
- Prepare a model procedures manual for adoption by the Municipalities in York Region.

By mid 2000 the Region of Durham and its area municipalities became aware of this initiative and requested inclusion in the process and subsequently partnered with the York municipalities as the York-Durham Utility Co-ordination Group (YDUCG). York Region staff has participated in this group from its inception.

Throughout the development of the manual, input was sought and obtained from all interested Utility companies, as well as the Urban Development Institute (UDI). An opinion from a legal firm considered expert in the telecommunications field was also obtained.

3.1 Purpose of Model Utility Procedures Manual

A copy of the Model Utility Procedures Manual (MUPM) executive summary is *Attachment 1* of this report.

The Model Utility Procedures Manual (MUPM) has been developed as a "best practices" living document and the YDUCG continues to take stewardship of the model manual and keeping it current. It is intended that the individual municipal members within the YDUCG will adopt the MUPM and may modify the manual to reflect any specific components affecting the Municipality, such as fee structures based on the recovery of their costs, roadway restoration details, permit forms, etc.

The general purpose of the model manual is to guide local and regional municipalities with the preparation and adoption of policies and procedures for the installation of utility plant within new and existing public road allowances. The procedures were developed for the purpose of regulating the installation of utility plant in the interest of the operation and protection of public works infrastructure and public safety and convenience.

A significant objective of the procedures manual was to communicate the need for and facilitate the adoption of common procedures across jurisdictional boundaries. The adoption of common procedures will streamline both the submission requirements and the review processes and facilitate common responses to similar requests for approval of municipal consent.

3.2 Guiding Principles of Manual

The following have been developed as the general Guiding Principles of the Manual:

- **Implementation:** The MUPM is a vehicle for the Municipality to establish and maintain a current and effective policy framework on which they can base local policies and procedures. Although the implementation of this document rests with the Municipalities, it is intended that the process for change to the local policies and procedures of the Municipality embrace a consultative approach with the YDUCG and the utilities.
- **Co-operation:** The MUPM is a framework to guide the Municipalities and the utilities in developing and maintaining common and systematic procedures for the review and approval of utility operations on the principle of co-operation.
- **Common Policies and Procedures:** Strive for common policies and procedures for the management of the public road allowances across the Regional Municipalities of York and Durham.

- Win – Win: Simplify administration and reduce costs to both the Municipality and utilities.
- Fair Cost Recovery: Municipalities will recover only fair causal costs resulting from utility use of the public road allowance.
- Utility Coordination: Utility coordinating committees are effective bodies for facilitating the establishment of the policies and procedures for the Municipality's management of the public road allowance and will be encouraged.
- Municipal By-laws/Legislation: Council of a Municipality should be encouraged to give due consideration of the policies and objectives in their By-laws and Legislation as they relate to the management of the public road allowance.

3.3 Manual Content

The General Policies/Content of the manual were developed with the Guiding Principles in mind and deal with the following issues:

- Right-of-Way Work Permits.
- Payment of Fees.
- Notification Requirements.
- Construction Requirements.
- Inspections.
- Submission of As-Built Records.
- Design Objectives: Location and aesthetics.

As noted previously, the MUPM is intended to be a living document which will evolve over time as legislation, regulations and best practices change. Further, it is intended to provide the framework and major policy statements that would be consistent across the York and Durham municipalities. Yet, flexibility is retained for any municipality to adjust the special procedures to reflect specific conditions particular to the municipality.

3.4 Municipal Access Agreements (MAA)

The MUPM and in particular the Guiding Principles will serve to form the basis of MAAs negotiated between municipalities and utility companies in the future.

MAAs stipulate the conditions which a utility must comply with in order to access public right-of-ways. Currently, the Region has entered into a Municipal Access Agreement with all telecommunications, with Bell being the only outstanding telecommunications currently under review. All utility companies which have an interest in York Region right-of-ways except for Enbridge Gas will be required to sign a MAA. Enbridge Gas is subject to different legislation requiring it to enter into "Franchise Agreements" with Municipalities. Staff will start negotiating new MAAs with these utility companies and will, subject to Council's adoption of the MUPM.

A common MAA is currently being created in co-operation with the other 19 municipalities within York and Durham Region. The new MAA will be based on recent

court decisions and legislation. Once completed, council approval will be required since the new MAA is significantly different from the original MAA approved by council in 1998. Furthermore, council approval will be required in the future, if any major changes to the new MAA are proposed.

4. ANALYSIS AND OPTIONS

The manual as a whole will help guide regional staff and utilities in working towards coordinating efforts within Regional right-of-ways. The manual contains many guidelines and the Region will use some of these guidelines in the following manner;

4.1 Procedures for work within the Regional Right-of-Way

Policies based on the guidelines in this manual will be refined by staff for Regional implementation.

4.2 Utility Coordination - York Durham Utility Coordination Group

Regional staff will stay involved in the YDUCG to maintain ongoing consultation with respect to emerging issues which may impact Municipal policies.

4.3 Formation of the York Region Utility Coordination Committee

The creation of the YRUCC will provide a forum for both Regional staff and utility staff to discuss problems and solutions in an open forum. Planned utility projects and capital projects will be discussed within this group in order to improve co-ordination of all stakeholders within the right-of-way to reduce costs for all. Policies that may affect other municipalities would be forwarded to the YDUCG for information and discussion.

4.4 Approvals / Drawing Submissions / As-Built Drawings

The way in which drawing submissions will be accepted will be reviewed and modified to take advantage of current technology. This in turn will provide for more accurate and faster approvals as well as better management of the right-of-way infrastructure.

4.4 Permits, Notification and Roadway Safety

Proper notification and roadway safety procedures must be followed to work within the right-of-way. Specifics will be discussed on how to work within the right-of-way.

4.5 Cost Recovery Fees

Fees charged to the utility companies, also referred to as “causal costs” have been defined from recent court cases to be any direct “out of pocket” expenses incurred by the municipality. Staff time for drawing reviews and field inspections would be examples of costs incurred by the municipality due to the presence of the utility within the Regional right-of-way. These “causal costs” are currently under review by Regional and municipal staff members within the YDUCG.

5. FINANCIAL IMPLICATIONS

There are no specific financial implications to the Region in endorsing the MUPM.

6. LOCAL MUNICIPAL IMPACT

Adoption of this Model Utility Procedures Manual will ensure a consistent approach among the Region and its area Municipalities, with respect to utility issues. The Councils of the Towns of Markham, Richmond Hill and Aurora have already endorsed this manual and the staff of other municipalities intend to seek Council endorsement in the near future.

7. CONCLUSION

Adoption of the MUPM by The Regional Municipality of York will result in having procedures and policies to follow when dealing with access requests within our road allowances consistent with a larger group of other municipal organizations throughout the Region of York and Durham.

The Senior Management Group has reviewed this report.

(A copy of the attachment referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)