

MUNICIPAL RIGHTS OF WAY BYLAW AMENDMENT

EXECUTIVE SUMMARY

The Municipal Rights of Way Bylaw 17M2016 ("the Bylaw") was adopted by City Council on 2016 November 28 with an implementation date of 2018 January 1. In setting out the implementation plan for the Bylaw, stemming from engagement with utility providers, Administration has determined that Section 57 of the Bylaw should be amended.

ADMINISTRATION RECOMMENDATION(S)

That Council:

1. Give three readings to the proposed Amending Bylaw as set out in Attachment 1; and
2. Receive this report for information.

RECOMMENDATION OF THE GAS, POWER AND TELECOMMUNICATIONS COMMITTEE, DATED 2017 SEPTEMBER 07:

That Council:

1. Give three readings to the proposed Bylaw **41M2017**; and
2. Receive this report for information.



Excerpt from the Minutes of the Regular Meeting of the Gas, Power and Telecommunications Committee, held 2017 September 07:

"And further, that this Report be sent as a matter of Urgent Business to the 2017 September 11 Combined Meeting of Council."

PREVIOUS COUNCIL DIRECTION / POLICY

On 2015 November 23, Council directed Administration to draft a bylaw to manage rights of way in Calgary (GPT2015-0820).

On 2016 November 28, Council adopted the recommendations of the Gas, Power and Telecommunications Committee (GPT2016-0717) to adopt the Municipal Rights of Way Bylaw with an effective date of 2018 January 1.

BACKGROUND

The purpose of the Bylaw is to address the safety, environmental and financial requirements of The City when utility providers access municipal rights of way. The Bylaw requires that any utility provider who is undertaking "work" (as defined in the Bylaw) within a service corridor or City structure must obtain a utility alignment permit prior to commencing the work and must provide as-built drawings upon completion of that work. This complete picture of the infrastructure within the rights of way supports the future planning requirements of The City and

Approval(s): Stevens, Brad concurs with this report. Author: Hess, Kelly
City Clerk's: D. Williams

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uses an updated approach for the management of municipal rights of way to efficiently allocate space in this limited resource for additional infrastructure for the benefit of all users.

The requirements of the utility alignment permit are set out in Section 17 of the Bylaw. The requirements are not onerous; in fact, the requirements are those that utility providers currently comply with under the terms of the agreements they are operating under during the transition period to the Bylaw. These requirements provide Administration with sufficient information to review and approve the application for the line assignment, whether it be for the network backbone or for a customer connection, also known as a service drop.

However, Administration recognizes that there are times when a utility provider may need to quickly address a loss of network connectivity to its customers without having to excavate a service corridor. The loss of connectivity can occur for a number of reasons, including where telecommunications equipment is damaged due to a vehicle collision or for other reasons, where the utility provider wishes to provide next day (or same day) connection services to their new or existing customers, or where, due to ground freeze during winter months, it is not practicable to complete excavation work to a service corridor for the purpose of restoring connectivity.

In these situations, temporary service drops provide an effective and near-immediate solution for lost connectivity between the utility provider and its customer. These involve connecting the (telecommunications) network to the affected customer directly through one of the networks' above ground equipment, such as a pedestal, aerial terminal, or through a manhole. These temporary service drops allow the affected individual customer to immediately connect, or reconnect to the network, and allows the utility provider company to plan a permanent solution when appropriate.

Historically, the difficulty with allowing these temporary service drops was that they often remained unattended to for several years. Section 57 and Section 75, were drafted to balance the needs of the utility providers to serve their client efficiently with the needs of The City to be apprised of, and to enable monitoring of, temporary services drops to ensure that they were being replaced with a permanent solution within a reasonable period of time.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The current wording of Section 57, with its reference to a utility alignment permit, requires the utility provider to satisfy all the requirements of Section 17. This was not the intent of Administration when drafting Section 57. The intent of Section 57 was to allow the utility provider the flexibility to quickly address connectivity issues of affected customers on a temporary basis without having to apply for, and obtain a utility alignment permit.

The proposed amendment to Section 57 of the Bylaw benefits utility providers. Rather than requiring utility providers to obtain a utility alignment permit for a temporary service drop, utility providers need only provide The City with notice of the placement of the temporary service drop and the date it was made. This reduces the permitting requirements for utility providers and the administrative resources required to ensure that these permits are obtained.

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Stakeholder Engagement, Research and Communication

Affected utility providers, being the telecommunications companies, have been advised of the proposed change.

Strategic Alignment

This amendment to the Municipal Rights of Way Bylaw aligns with Council priority of a well-run city by being open and responsive to the needs of industry while ensuring the safety of Calgary's citizens and the efficient use of the rights of way.

Social, Environmental, Economic (External)

Social

The proposed amendment aligns with the needs of The City to manage the rights of way while balancing the needs of the utility providers to quickly address connectivity issues.

Environmental

The proposed amendment provides the information The City needs to follow up on temporary service drops, ensuring they are permanently dealt with in a timely manner.

Economic (External)

The proposed amendment allows utility providers to address the immediate needs of their customers in an efficient and cost-effective way without imposing additional administrative burdens. The requirement to report the location and date of a temporary service drop will not add to their administrative load.

Financial Capacity

Current and Future Operating Budget:

There are no impacts to current or future operating budgets.

Current and Future Capital Budget:

There are no impacts to current or future capital budgets.

Risk Assessment

REASON(S) FOR RECOMMENDATION(S):

Given the nature of the temporary service drops, notification by the utility providers is sufficient to allow The City to know where these temporary lines are located within the municipality and to follow up to ensure they are permanently resolved within one year.

ATTACHMENT(S)

1. Proposed Bylaw 41M2017

BYLAW NUMBER 41M2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND 17M2016 TO REGULATE
THE PROCESS FOR ACCESS AND USE
OF MUNICIPAL RIGHTS-OF-WAY**

WHEREAS the purpose of the Municipal Rights of Way Bylaw (the Bylaw) is to address the requirements of The City (safety, environmental, financial) when utility providers access municipal rights of way; and,

WHEREAS the Bylaw requires any utility provider who is undertaking work within a service corridor or City structure to obtain a utility alignment permit prior to commencing the work; and,

WHEREAS the requirements of the utility alignment permit are set out in section 17 of the Bylaw; and,

WHEREAS there are times when a utility provider may need to quickly address a network connectivity issue and temporary service drops provide an effective and near-immediate solution for lost connectivity; and,

WHEREAS there is no inventory of these temporary service drops which poses safety and operational issues for The City; and,

WHEREAS Section 57, together with section 75, of the Bylaw were drafted to balance the needs of the utility providers to serve their client efficiently with the needs of The City to be apprised of, and to enable monitoring of, temporary services drops to ensure that they were being replaced with a permanent solution within a reasonable period of time; and,

WHEREAS given the nature of the temporary service drops, notification by the utility providers, without the need of a permit, is sufficient to allow The City to know where these temporary lines are located within the municipality and to follow up to ensure they are permanently resolved within one year, as described in the attached Report CP2017-0645.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 17M2016, the Municipal Rights-of-Way Bylaw, is amended.

2. In section 55, delete the following:

“, whether temporary or permanent,”

3. Delete section 57 in its entirety and substitute the following:

“57. A utility provider must provide written notification to *The City* of the utility provider's placement of a temporary service drop no later than 5 business days after the installation of the equipment. The notification must be submitted in the electronic format set by *The City* in its web interface with

utility providers, and include the specific location of the temporary service drop and the date on which the temporary service drop was placed."

4. This Bylaw comes into force on the day that it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2017.

READ A SECOND TIME THIS ____ DAY OF _____, 2017.

READ A THIRD TIME THIS ____ DAY OF _____, 2017.

MAYOR
SIGNED THIS ____ DAY OF _____, 2017.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2017.