

Deputy City Manager's Office Report to  
Gas, Power and Telecommunications  
2020 March 12

ISC: UNRESTRICTED  
GPT2020-0232

## **Amendments to the Municipal Rights of Way Bylaw**

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### **EXECUTIVE SUMMARY**

The Municipal Rights of Way Bylaw 17M2016 (the “Bylaw”) was adopted by City Council on 2016 November 28 and came into force on 2018 January 1. Through discussions with stakeholders since implementation, Administration has determined that an adjustment to certain timelines and fees needs to be made. There is also a need to update the definition of “utility provider” to address an emerging industry trend where a third party will build and own the conduit that could be utilized by more than one provider of utility services.

#### **ADMINISTRATION RECOMMENDATION:**

That the Gas, Power and Telecommunications Committee recommends that Council:

1. Give three readings to the Amending Bylaw as set out in Attachment 1; and
2. Approve the proposed Fee Schedule set out in Attachment 2.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

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 (17M2016) with an effective date of 2018 January 1.

On 2017 September 13, Council adopted Bylaw 41M2017 to amend the process for temporary service drops to align with current practice, reduce an administrative burden and cut red tape.

On 2018 March 21, Council adopted Bylaw 12M2018 to further amend the definitions of “service corridor” and “utility provider” to address an administrative gap.

### **BACKGROUND**

The purpose of the Bylaw is to address the requirements of The City (safety, environmental, financial) when utility providers (as defined in the Bylaw) 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 safe excavation and the future planning requirements of The City. It allows for 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.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

In the two years since the implementation of Bylaw 17M2016, the various utility providers have struggled with the timelines set out regarding the completion of the application and the provision of as-built drawings. As the provision of as-built drawings is an essential part of the Municipal Rights of Way Bylaw, ensuring The City is aware of the infrastructure within our rights of way, Administration has worked with the telecommunications sector to determine timelines which would address all parties’ needs. It is felt that moving the requirement to update The City when

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the construction is complete to 15 days, from the current 10 days, and to providing the as-built drawings within 90 days, from the current 60 days, will enable the utility providers to more reasonably comply, and still provide The City with the required information.

The proposed Fee Schedule, which proposes lower utility alignment permit fees, is a result of Administration's continuous review of processes to drive efficiencies, as well as the development of an online portal which streamlines the application and approval process for users and City staff.

Finally, because of the emerging industry trend where a third party will build and own the conduit that could be utilized by more than one utility provider, Administration suggests the addition to the definition of utility provider to ensure there are no gaps moving forward.

### **Stakeholder Engagement, Research and Communication**

Regular meetings occur between Administration and the utility providers. The proposed changes are a result of these on-going discussions.

### **Strategic Alignment**

The proposed changes align with 2019-2022 Citizen Priority of a "Well-Run City".

The proposed changes support the business and local economy initiative in "Reducing barriers, time and cost to enable your business success and make Calgary Canada's most business-friendly city".

### **Social, Environmental, Economic (External)**

With the known projects coming over the next several years, the number of applications will continue to increase. Due to the new administrative efficiencies found in our internal processes, the increased volume of applications does not require increased operating funds, allowing for the savings to be passed back to the utility providers.

### **Financial Capacity**

#### ***Current and Future Operating Budget:***

For the reasons noted above, 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**

If Administration's recommendations are not approved, there is a risk of that the utility providers will lose trust and confidence in The City. There are no identified risks associated with approving the proposed changes.

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#### **REASON(S) FOR RECOMMENDATION(S):**

The proposed changes to the definitions of utility provider brings alignment between the definitions and what is anticipated with the potentially new infrastructure owners. The updated timelines comply with the Bylaw requirements and better fits with the operations of utility providers.

#### **ATTACHMENT(S)**

1. Attachment 1 – Draft Amending Bylaw
2. Attachment 2 – Proposed Fee Schedule – 2020 January 1
3. Attachment 3 – Current Fee Schedule – 2018 January 1