



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Roads Committee
From: Pasquale Costanzo, Technical Services Supervisor
Date: Tuesday, February 13, 2024
Subject: **Municipal Access Agreement for Access to the County's Right-Of-Way**

Background:

A Municipal Access Agreement (MAA) is a road use agreement between municipalities and utility providers with the purpose of regulating the use and occupation of equipment placed within the municipal right-of-ways (ROW). Utility providers are hydroelectric, natural gas and telecommunication companies (Bell, Rogers etc.) supplying services to the community. The installation of service provider's equipment within the County's ROW is managed with our Utility Alignment Permit and Road Occupancy Permit coordination and process.

The County has streamlined the process by developing a standard Municipal Access Agreement in cooperation with our consultants SVJR Consulting Inc. and T.E.P. R-O-W Co-ordination Inc. The agreement conforms to standard agreements in the utility industry, the Telecommunications Act including Canadian Radio-television and Telecommunications Commission (CRTC) regulations and decisions.

The following are the main elements of the County's standard Municipal Access Agreement:

Consent to use the Right-of-way

- Agreement grants consent to utilities companies to access the County's right-of-way for the purpose of performing its work and/or to install its equipment

Permit Requirements

- Prior to undertaking work the utility companies are to submit the Utility Alignment Permit to the County for approval. The Alignment Permit contains the drawings submitted to the County which show the equipment location and the work to be completed within the ROW
- Utility companies cannot enter upon the County ROW without submission of the Road Occupancy Permit which grants the contractors access to install the providers' equipment
- Permits are not required for routine maintenance of equipment

Locating Facilities

- The utility company shall be a member of Ontario One Call Centre

Relocation of Plant

- The County can request the utility company to relocate its equipment for a bona-fide municipal purpose by providing written notice to the provider
- A schedule is to be used to allocate costs directly attributable to the required equipment relocation and a percentage shall be apportioned between the County and utility company, based on year(s) after its installation

Term and Termination

- Agreement shall have an initial term of 5 years commencing on the effective date and renewed automatically in successive 5 year term unless:
 - Agreement is terminated by either party
 - A party delivers notice of non-renewal
 - Agreement is replaced by new agreement between the parties

Insurance

- Throughout the term of the agreement and any renewals or extensions the utility company shall maintain, at its sole expense, insurance in an amount acceptable to the County to protect the utility company and the County from claims that may arise from utility company's operation under the Agreement.

This agreement will reduce staff time involved with the processing and negotiating the terms of the agreement, as well as the administration of the agreement.

Recommendation:

That the Warden and Clerk be authorized to execute the Telecommunication Municipal Access Agreement that the County Engineer considers to be consistent with the "County Standard Telecommunications Access Agreement"; and

That staff be directed to prepare a by-law to repeal and replace Telecommunication Access Agreements By-Law 5351-13.

Respectfully submitted,



Pasquale Costanzo, CET
Technical Services Supervisor