



TOWN POLICY

POLICY NUMBER: No. 6104

REFERENCE:

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121.04.22

ADOPTED BY:

Town Council
January 24, 2018
April 6, 2022

PREPARED BY: Infrastructure & Development Services **DATE:** January 24, 2018

TITLE: Municipal Right-of-Way Works and Excavation Policy

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Policy Statement

This policy provides guidance for private applications to perform work in, excavate, and access municipal right-of-ways.

1.0 DEFINITIONS

1.1 In this Policy, terms and words defined in the Act have the meaning expressed by the Act. Other terms and words used in this Policy are defined below:

- (a) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended;
- (b) "Applicant" means the private entity, contractor, or authorized representative who wishes to work or excavate within a municipal right-of-way.
- (c) "Bylaw" means a bylaw of the Town;
- (d) "CAO" means the Chief Administrative Officer within the meaning of the Act;
- (e) "Council" means the Mayor and Councillors of the Town of Strathmore;
- (f) "Degradation Fee" means the estimated fee established to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation.

- (g) “Development Authority” means the development authority established in the Land Use Bylaw;
- (h) “Director” means the person responsible for the Infrastructure and Development Services department;
- (i) “Execute” means to begin or start work.
- (j) “Infrastructure Emergency” means a situation that poses an immediate risk to health, life, property, or environment within Town-owned property, or utility right of ways, which includes facilities, transportation systems, communication networks, sewage, water, and electric systems.
- (k) “Land Use Bylaw” means the current land use bylaw, as amended, of the Town of Strathmore;
- (l) “Municipal Right of Way” means the area adjacent to, on, below, or above a public roadway, highway, street, public sidewalk, park, pathway, alley, waterway, or utility easement in which the municipality has an interest.
- (m) “Town” means the Municipal Corporation of the Town of Strathmore.

2.0 APPLICATION

2.1 This Policy:

- (a) Provides broad direction for the processing of any municipal right-of-way works and excavation permit applications;
- (b) Addresses the preparation of municipal right-of-way works and excavation permits, and subsequent public advertisement;
- (c) Must be considered in addition to other requirements and guidelines including but not limited to the Act, the Subdivision and Development Regulation, the Town’s Servicing Standards, the Municipal Development Plan, other applicable Statutory Plans, Conceptual Schemes (subject to the Act), and the Land Use Bylaw; and
- (d) Is based on the premise that municipal right-of-way works and excavation permit application submissions must precede any work occurring in a municipal right-of-way to ensure the effective and efficient execution of work, and the appropriate information sharing.

2.2 Exemptions to this policy may only occur in situations where:

- (a) Work is being completed directly for the Town; or
- (b) A Franchise Agreement or Municipal Access Agreement is in place between the Town and the applicant which explicitly details the terms and conditions for excavations within a Municipal Right of Way.

3.0 RESPONSIBILITY

- 3.1 Council may from time to time amend this Policy.
- 3.2 The Director:
- (a) Should ensure that this Policy is reviewed at least once every 3 years; and
 - (b) May require that processes be developed to support and ensure its implementation, including consultation.
- 3.3 Staff of the Infrastructure and Development Services Department in carrying out its functions and responsibilities must have regard to this Policy, support its implementation and advise the Director of issues related to its implementation.
- 4.0 PROCESSING OF MUNICIPAL RIGHT-OF-WAY WORKS AND EXCAVATION PERMIT APPLICATIONS**
- 4.1 The processing of municipal right-of-way works and excavation applications is subject to municipal requirements. The process outlined in Section 4.2 below;
- (a) Must not be construed to conflict with any of these requirements and is intended to complement them; and
 - (b) Outlines in general terms the process to be followed in administering applications subject to more detailed operational requirements or procedures.
- 4.2 The following outlines the municipal right-of-way works and excavation process, subject to Section 4.1 above.
- (a) An application and checklist for municipal right-of-way work and excavation are received and reviewed to ensure it is complete.
 - (b) The applicant is notified whether or not an application for municipal right-of-way work and excavation is complete.
 - (c) The timing of the municipal right-of-way work and excavation should be confirmed with the applicant as soon as possible, as well as the estimated time of completion.
 - (d) Engineering and related drawings must be submitted, meeting Town standards, with the municipal right-of-way work and excavation permit application.
 - (e) Temporary Road and Parking Closure Application must be submitted when work from the works and excavation process closes a road, lane, and/or parking lot.
 - (f) Upon receipt of a complete application, the Infrastructure and Development Services Assistant completes a Preliminary Evaluation. The application is circulated, requesting the following deliverables:

- (i) Confirmation from the Development Engineer of the application meeting Town engineering standards;
 - (ii) Comments from either the Planner II, Senior Subdivision/Development Officer/Planner, the Managers of Infrastructure and/or Development Services, or the Director of Infrastructure and Development Services; and
 - (iii) Comments from other Town staff identified in the Preliminary Evaluation.
- (g) The comments arising from the circulation are reviewed, including comments respecting the engineering and related drawings. Potential issues and additional information required should be identified.
- (h) A small report and draft decision is prepared, based on the above, and shared with engineering and other key Town staff. The Infrastructure and Development Services Assistant prepares and compiles the draft decision and report.
- (i) The appropriate staff should discuss the draft decision to address
- (i) Any potential issues; and
 - (ii) The timing of the municipal right-of-way work and excavation, to support coordinating an advertisement in the Town's portion of the newspaper, recognizing that advertisements are due well in advance of newspaper publication.
- (j) The Development Authority issues a decision on the application in accordance with the Town's standards and the applicant is notified of the decision.
- (k) If necessary, A detailed map illustrating the work is created by the GIS Technician and a summary of the work and timeline is created by the Infrastructure and Development Services Assistant.
- (l) The detailed map illustrating the work area and the summary of the scope of work and timeline is submitted to the Administrative Clerk for advertisement and publication in the Town's section of the newspaper by the Infrastructure and Development Services Assistant. Depending on the scale of the project, the detailed map and summary of work and timeline may be submitted to the Communication Specialist for publication on the Town's social media outlets.
- (m) If the proposed work involves closing a municipal roadway or portion of a municipal roadway, the Infrastructure and Development Assistant notifies all Emergency Services and notifies both School Divisions a minimum of forty-eight (48) business hours in advance of proposed municipal right-of-way work and excavation.

- (n) Once the municipal right-of-way works and excavations have been completed, a preliminary safety inspection is completed by a member of Operations. Funds held as a deposit may be used to correct immediate safety issues.
- (o) Prior to the release of the funds held as the deposit, a key staff member of the Infrastructure and Development Services Department inspects the work and excavation site and makes note of any deficiencies. Funds held as a deposit may be used to correct discrepancies or deficiencies in the work.
- (p) If there are no discrepancies or deficiencies noted in the work and excavation site, and one year has lapsed since the project has been completed, the remaining funds held as a deposit, or portion thereof, are released to the applicant.
- (q) Once the inspections have occurred and the funds held as a deposit, or portion thereof, have been released to the applicant, the municipal right-of-way work and excavation file is closed. A small report is written by the Infrastructure and Development Services Assistant and is given to the applicant and a copy of the small report is also placed in the file and the file is archived.

5.0 PAVEMENT DEGRADATION

- 5.1 Any work which will require the removal and/or replacement of asphalt will be subject to a pavement degradation fee.
- 5.2 This fee does not remove the applicant from their responsibility to repair and replace the asphalt surface to Town standards nor from their warranty on the completed work.

6.0 SPECIAL CLAUSES AND OTHER AGREEMENTS

- 6.1 This Policy seeks to ensure fair, consistent, and reasonable administration of the Municipal Right-of-Way Works and Excavation process by using a consistent application form and supplementary application checklist.
- 6.2 In the case of a Town-owned infrastructure emergency, the application process described in this policy still applies, although Infrastructure and Development Services staff will expedite the permit process. The application fee, as stated in the fees bylaw, is required, but the funds required as a deposit will be waived. Town Staff, or the Town's representative must notify Infrastructure and Development Services immediately upon discovery of an infrastructure emergency.
- 6.3 The warranty period for any municipal right-of-way work and excavation is one year.
- 6.4 A Certificate of Insurance indicating proof of general liability insurance in an amount of not less than \$2,000,000.00 per occurrence is required to be submitted as part of an application for a municipal right-of-way work and excavation permit.

- 6.5 The Applicant is to notify Infrastructure and Development Services via email to development@strathmore.ca or by phone, 403-934-3133, to request and schedule inspections.
- 6.6 An EPCOR agent may be notified if the municipal right-of-way work and excavation is occurring near any water, sanitary, or storm services.

7.0 AUTHORITY TO COLLECT FEES AND CHARGES

- 7.1 In addition to any fees or charges required by the Fees Bylaw, this Policy authorizes the collection of fees for administration, engineering, pavement degradation and the review of documents as stated in 4.2 (c), 4.2 (d), and 5.1 above.