



Municipality of North Grenville

To:	COUNCIL	Meeting Date: 2021/09/21
Subject:	Municipal Access Agreements	Report No: PW-036-2021
Prepared by:	Karen Dunlop Director of Public Works Heather Babcock-Cormier Director of Legislative Services Hillary Geneau Strategic Initiatives Coordinator	File No: C7-PW

RECOMMENDATION(S)

THAT Council:

1. Require telecommunications companies wishing to install infrastructure within public highways under the jurisdiction of the Municipality be required to enter into a Municipal Access Agreement;
2. Authorize the Director of Public Works to sign future Municipal Access Agreements based on the principles outlined in this report; and
3. Approve and enact By-Law 98-21 to amend By-Law 102-15, Being A By-Law to Adopt Schedules of Departmental Fees & Charges for the Municipality of North Grenville to include fees and charges related to works performed in accordance with Municipal Access Agreements.

EXECUTIVE SUMMARY

Purpose

- Rogers Communications Canada Inc. ("Rogers") entered into negotiations with the Municipality to install infrastructure in the Municipality's rights-of-way. It is anticipated there will be further requests from other telecommunications companies.
- Council approval is required to enter into Municipal Access Agreements. Further, the costs charged by the Municipality to the telecommunications companies pursuant to the Municipal Access Agreements are required to be included in the Municipality's fees and charges by-law, necessitating its amendment.

Key Findings

- Council adopted the “Municipality of North Grenville Broadband Study – June 2021” on July 20, 2021 that recommends bettering relationships with internet service providers (ISPs).
- Staff have negotiated the terms of a Municipal Access Agreement with Rogers. It is anticipated that further requests to enter Municipal Access Agreements may be received by other telecommunication companies.

Financial Implications

- The terms of the Municipal Access Agreements include permitting fees such as municipal consents and road occupancy permits, along with the recovery of costs associated with road degradation and future relocation costs. These fees and charges are similar to the fees charged by other Municipalities. Rogers has been made aware of these fees and charges in advance of this report and has not expressed any concern.

BACKGROUND

Council adopted the “Municipality of North Grenville Broadband Study – June 2021” on July 20, 2021 that recommends bettering relationships with ISPs.

The installation of telecommunications infrastructure is governed by the *Telecommunications Act*. Specifically, s.43 of the Act provides that “No Canadian carrier or distribution undertaking shall construct a transmission line on, over, under, or along a highway or other public place without the consent of the municipality or other public authority having jurisdiction over the highway or other public space”. If a municipality and the telecommunications carrier cannot come to terms, the CRTC will grant permission to enter and construct on the terms and conditions it deems advisable.

A Municipal Access Agreement (“MAA”) is a comprehensive legal agreement granting consent for a telecommunications carrier to enter a municipality’s rights-of-way and outlines the responsibilities and requirements for both the Municipality and the telecommunications carrier. Entering into a MAA is a standard practice among Municipalities.

ANALYSIS

The CRTC developed a model access agreement for use by municipalities and telecommunications companies. This model agreement, along with a review of relevant CRTC decisions, was used by Rogers and Municipal staff in negotiating the terms of the MAA. The Rogers MAA differs from the model MAA where required to ensure the Municipality’s unique needs are met; specifically with respect to deadlines to issue permits, relocation costs, and ensuring that the Municipality is given sufficient notice in the event that Rogers needs to enter the right-of-way to address an emergency.

The Rogers MAA will serve as a template for any future MAA to be entered into with other telecommunication companies and provides access to Municipal rights-of-way under Municipal conditions. Specifically, the MAA includes:

- Reimbursement for the Municipality’s future costs associated with more rapid pavement degradation where the infrastructure is installed by cutting the pavement
- Allocates relocation costs on a sliding scale where the telecommunications infrastructure needs to be relocated due to the Municipality’s works within the right-of-way, such as future widenings. After year 7, the costs are allocated more or less evenly between the telecommunications company and the Municipality with the telecommunications company being fully responsible for relocation costs after year

17. In the event that the telecommunications company needs to install infrastructure in a right-of-way that is anticipated to require relocation within 5 years, relocation costs will be negotiated separately

- Providing for emergency protocols that may affect either party's infrastructure
- Setting a framework for the Municipality to review and approve the location of the infrastructure and a mechanism to charge the costs associated with issuing permits to the telecommunications company
- A requirement to provide "as built" drawings of the infrastructure to reduce the possibility of conflicts between various utilities (gas, telecommunications, water and sewer infrastructure)
- An initial term of 4 years with the possibility of two additional 5 year renewal terms. This shorter initial term will permit a period of reassessment to ensure prior to the first renewal that there are no amendments to the agreement required.

Future MAAs are not expected to differ in any substantial way from the terms of the MAA negotiated with Rogers.

Strategic Alignment

Strategic Focus Area 1: Sustainable, Strategic Growth (Goal 1: Development that Builds Community Connection).

- Outcome: Enable strategic investments for the distinct parts of North Grenville.

COMMENTS

Entering into an MAA will permit telecommunications companies to install infrastructure in the Municipality's rights-of-way on terms acceptable to both the Municipality and the telecommunications companies. Management of the Municipality's rights-of-way requires ongoing co-ordination and management to ensure that the needs of all users are met.

EXISTING POLICY/BY-LAW

By-Law No. 102-15 A By-Law to Adopt Schedules of Departmental Fees & Charges for the Municipality of North Grenville, as amended.

FINANCIAL IMPACT

This item has been identified in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the budgeted amount: Yes ☐ No ☐ N/A ☒

No further additional staff are required to implement the processes established by the Municipal Access Agreement.

PUBLIC INPUT

No public input was solicited in the creation of this report.

INTERNAL/EXTERNAL CONSULTATION

Staff from various Municipal departments were involved in the negotiation of the Municipal Access Agreement with Rogers. Further, staff are engaged with staff at the United Counties of Leeds and Grenville to ensure co-ordination.

CONCLUSION

To further the work of the Broadband Study, the Municipality is working with ISPs to improve the local broadband network. To permit telecommunications companies to enter into the Municipality's rights-of-way it is necessary to enter into Municipal Access Agreements. These Municipal Access Agreements permit the Municipality to safely manage its rights-of-way and to ensure the co-ordination with other infrastructure located within the right-of-way and the Municipality's own capital plans.

SIGNATURE

Prepared by:

Original Signed By

Name: Karen Dunlop

Title: Director of Public Works

Prepared by:

Original Signed By

Name: Heather Babcock-Cormier

Title: Director of Legislative Services

Prepared by:

Original Signed By

Name: Hillary Geneau

Title: Strategic Initiatives Coordinator

Submitted for

Council consideration by:

Original Signed By

Name: Gary Dyke

Title: Chief Administrative Officer

ATTACHMENTS

- None