

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

Report Number: ED-23-88

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Municipal Consent Process and Franchise Renewal with  
Enbridge Gas Inc.

Ward: All Wards

File: 03-05

---

## **1.0 Purpose**

On May 25, 2020, City Council considered Item CNCL-20-100 regarding the maintenance of boulevard fixtures and directed Engineering staff to advance the development of Municipal Access Agreements with utility service providers to facilitate terms of maintenance of utility infrastructure and communication protocols.

On April 3, 2023, City Council considered Item ED-23-38 regarding a request from Enbridge Gas Inc. to enter into a franchise renewal agreement and referred the Item back to staff for a further report to Economic and Development Services Committee.

The purpose of this Report is to respond to the two above-noted directions.

Attachment 1 to this Report is a copy of Report CNCL-20-100, dated May 25, 2020 regarding the maintenance of boulevard fixtures.

Attachment 2 to this Report is a copy of Report ED-23-38, dated March 1, 2023 regarding a franchise renewal agreement with Enbridge Gas Inc. (“Enbridge Gas”). Owing to its length, this document is not affixed to this Report but can be viewed at the following link: [ED-23-38 Request for a Franchise Renewal between Enbridge Gas and the City of Oshawa \(escribemeetings.com\)](#).

Attachment 3 to this Report is a draft Municipal Consent Requirements for the installation of utility/plant within City of Oshawa Right of Ways.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-23-88 dated April 12, 2023, that staff be authorized to update the current franchise agreement, to the satisfaction of the Commissioner, Economic and Development Services Department and the City Solicitor, for a term of no greater than 20 years, and that the updated agreement be executed in accordance with the City's delegation by-law.
2. That, pursuant to Report ED-23-88 dated April 12, 2023, that Council endorse the consolidated Municipal Consent Requirements as a guide for staff to advance Municipal Consent permits.
3. That staff be directed to review the General Fees and Charges By-law with respect to the fees charged for Municipal Consents for both area residents and utility service providers through the 2023 review of the City's General Fees and Charges By-law.

## **3.0 Executive Summary**

Not Applicable

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- Commissioner, Community and Operations Services
- City Solicitor

## **5.0 Analysis**

### **5.1 Municipal Consent Process**

On May 25, 2020, City Council considered Item CNCL-20-100 (see Attachment 1) regarding the maintenance of boulevard fixtures and directed Engineering staff to advance the development of Municipal Access Agreements with utility service providers to facilitate terms of maintenance of utility infrastructure and communication protocols.

Engineering Services is finalizing its consolidated Municipal Consent Requirements (M.C.R.) for installation of utility/plant within the City of Oshawa. The M.C.R. will bring together current standards and guidelines from across the City into one document and identify industry best practices for dealing with utilities in boulevards.

The M.C.R. lays out the requirements for the Municipal Consent Process. This includes but is not limited to the following:

- General Requirements;

- Emergency Work;
- Requirements for Application Submission;
- Drawing/Construction Requirements;
- Resident and Business Notification;
- Reporting impacted/damages to Existing Infrastructure;
- Boulevard Restoration;
- Maintenance of Existing Utility Infrastructure; and,
- Non-compliance.

Engineering Services has engaged utility service providers who maintain fixtures on City boulevards to develop their own maintenance programs to proactively address their fixtures to address issues related to graffiti, damage and vandalism. Furthermore, Operations Services initiated proactive patrols in 2019 to address damaged fixtures on the boulevard. In most cases, roads patrol staff are able to report issues to the applicable agencies to achieve timely resolutions.

This Report recommends that Council endorse the Municipal Consent Requirements.

## **5.2 Franchise Agreement**

On April 3, 2023, City Council considered Item ED-23-38 (see Attachment 2) regarding a request from Enbridge Gas to enter into a franchise renewal agreement and referred the Item back to staff for a further report to Economic and Development Services Committee.

The current renewal agreement was executed on July 21, 2003 for a term of 20 years from the date of passing.

The agreement provides consent from the City of Oshawa to:

- distribute, store and transmit gas in and through the City of Oshawa; and,
- enter upon municipal roads and lay, construct, maintain, replace, remove, operate and repair a gas system.

It is important to note that Article 13 of the Agreement acknowledges that the Agreement is subject to all regulating statutes and all municipal by-laws of general application, except by-laws which have the effect of amending the Agreement.

Staff note that public utility providers have the authority to install infrastructure right-of-ways, subject to approval and associated fees as outlined in the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50 and the Public Service Works on Highways Act, R.S.O. 1990 c. P.49.

This Report recommends that the City execute the franchise renewal agreement.

## **5.3 General Fees and Charges By-law**

The General Fees and Charges By-law 13-2003, as amended ("By-law 13-2003"), is subject to annual reviews to ensure the City of Oshawa's fees are responsible and

reasonable based on the cost to deliver the City's programs and services as well as ensuring the City's fees are in line with our comparator municipalities.

Currently, By-law 13-2003 imposes a fee of \$782 per municipal consent. In addition, utility service providers are subject to Road Occupancy Permit Fees and Pavement Degradation Fees when proposed utility work includes cutting into the pavement. It is important to note that By-law 13-2003 distinguishes between an Access to Property Permit for an Oshawa resident from a Municipal Consent for a utility service provider. Staff note that an Access to Property Permit for a resident for matters such as a curb cut generally have minimal disruption and impact on the community and surrounding neighbourhood. This is contrary to the staff experience with respect to Municipal Consents for utilities. While it is acknowledged that utility service providers are valuable community partners and provide a valuable service to the community and surrounding neighbourhood, it has occasionally resulted in a negative experience for residents.

On that basis, the Report recommends that By-law 13-2003 be reviewed in the 2<sup>nd</sup> Quarter of 2023 and update it, if necessary, through the 2023 annual update of By-law 13-2003 to reflect both the consolidated Municipal Consent Requirements and the differences between an Oshawa resident Municipal Consent and a utility service provider municipal consent.

## **6.0 Financial Implications**

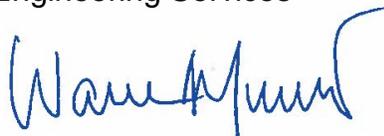
There are no financial implications associated with the Report.

## **7.0 Relationship to the Oshawa Strategic Plan**

This Report advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



Anthony Ambra, P.Eng., Director,  
Engineering Services



Warren Munro, HBA, MCIP, RPP, Commissioner,  
Economic and Development Services Department

Council in Committee of the Whole – May 25, 2020

## Maintenance of Boulevard Fixtures

---

Whereas on June 17, 2019 the Corporate Services Committee referred Report CORP-19-59 concerning the maintenance of boulevard fixtures to staff for the development of an enforcement protocol for damaged, unsafe and unsightly equipment on City boulevards and associated lands; and,

Whereas the Boulevard By-law 136-2006, as amended (“Boulevard By-law”), is a by-law to govern and regulate the maintenance, occupancy, use of, and other matters pertaining to, those portions of public highways under the jurisdiction of the City of Oshawa known as boulevards; and,

Whereas the Boulevard By-law is passed pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, which grants municipalities broad powers to pass by-laws respecting, amongst other things, matters addressing health and safety and nuisance control; and,

Whereas the Boulevard By-law currently only requires utility service providers to maintain utility boxes in a condition which is free from all defacing marks, tagging and graffiti; and,

Whereas the Boulevard By-law provides for the issuance of Administrative Monetary Penalties which are an effective and efficient enforcement tool;

Therefore be it resolved,

1. That pursuant to CNCL-20-MM, dated May 19, 2020, Council pass a by-law to further amend Boulevard By-law 136-2006, as amended, to require fixture owners to maintain utility boxes in a manner that ensures they are not broken, leaning, damaged, misaligned and continue to function as intended in a form and content acceptable to the Commissioner of Corporate Services and the City Solicitor and that the amending by-law be provided to Council for its review prior to passage; and,
2. That Utility Service Providers be directed to initiate a proactive approach to guarantee the maintenance of utility pedestals and plant in the city including dealing with graffiti, damage and vandalism; and,
3. That Operations staff initiate a proactive patrol to identify damaged utility fixtures on the boulevard and report issues to the applicable agencies for resolution and if not resolved engage with Municipal Law Enforcement for the issuance of Administrative Monetary Penalties; and,
4. That Engineering staff continue to advance the development of Municipal Access Agreements with Utility Service Providers to facilitate terms of maintenance of utility infrastructure and communication protocols and report back to Council through the Development Services Committee; and,

5. That a communication plan is developed and implemented to increase awareness for residents to report damaged fixtures to Service Oshawa; and,
6. That a copy of CNCL-20-MM be provided to the Region of Durham and all the Utility Service Providers; and,
7. That any further initiatives dealing with this issue report to Council through the Development Services Committee.



Item: ED-23-88  
Attachment 3

# **Municipal Consent Requirements**

for the Installation of Plant  
within City of Oshawa Streets

**Contacts:**

For questions/comments related to Municipal Consent Requirements and utility application process:

**James Hughes**

Design Technologist  
Engineering Services  
50 Centre Street  
Oshawa, ON, L1H 3Z7

Tel: 905.436.3311 ext.2490  
Fax: 905.436.5694  
jhughes@oshawa.ca  
municipalconsent@oshawa.ca

For questions/comments related to Road Occupancy Permits, cut repairs and restoration:

**Phil Laurin**

Superintendent, Roads  
Operations Services  
199 Wentworth Street East  
Oshawa, ON, L1H 3V6

Tel: 905.436.3311 ext.2147  
Fax: 905.433.1503  
plaurin@oshawa.ca

All other inquires can contact **Service Oshawa 905.436.3311**

Municipal Consent Requirements:

<https://www.oshawa.ca/en/transportation-parking/road-occupancy-permits.aspx>

## Table of Contents

1.0	Introduction	4
2.0	General Requirements	4
3.0	Work Requiring Only a Road Occupancy Permit	5
3.1	Emergency Work	5
3.1.1	Scope	5
3.1.2	Requirements	6
4.0	Work Requiring Municipal Consent (as well as a Road Occupancy Permit)	6
5.0	Application Submission	6
5.1	Municipal Consent Fee	6
5.2	Circulation	7
5.3	Incomplete Applications	8
5.4	Application Review Period	8
6.0	Application Drawing Requirements	8
6.1	Drawing Requirements	8
6.2	Clearance from Other Plant	9
6.3	Depth of Cover	9
6.4	Curbed/Uncurbed Roads	10
6.5	Boulevards	10
6.6	Tree Protection Zone	10
6.7	Alignments	10
7.0	Moratorium on Newly Improved Streets	10
7.1	Duration	10
7.2	Exceptions	11
8.0	Construction Requirements	11
8.1	Scope	11
8.2	Insurance	11
8.3	Pre-Inspection	11
8.4	Resident and Business Notification	12
8.5	Documents Required To Be On-Site	12
8.6	Temporary Service Drops	13
8.7	Locates and Protection of Plant	14
8.8	Working Hours	14
8.9	Trenchless Installations	14
8.10	Reporting Impact/Damage to Existing Plant	14
8.11	Hard Surface Restoration	14
8.12	Pavement Degradation Fee	15
8.13	Working Around and Replacement of Horizontal Control Monuments	16
8.14	Non-Compliance	17
9.0	Interpretation	17

## 1.0 Introduction

The Municipal Consent Requirements (M.C.R.) provide for the efficient review of applications pertaining to non-municipally owned installations within City of Oshawa right-of-ways.

Adherence to these requirements will protect the interests of the City of Oshawa, the community and the Utility Service Providers (U.S.P.) occupying the right-of-way. To this end, all applications will be reviewed with consideration to their impact on physical and social environment and the City's infrastructure. It is important that these objectives are taken into consideration in the planning and design of all work being proposed and carried out within the streets, right-of-ways or other lands owned and maintained by the City of Oshawa.

The City of Oshawa emphasizes that all U.S.P.s and third parties must work together and with the City to achieve the protection of the existing and proposed underground infrastructure and consider initial placements strategically in such a manner as to enable future installations and works. Accordingly, submissions must clearly state why a particular design and placement location is being proposed.

The submission must also:

- (i) implement drawing and construction standards established by the City;
- (ii) be circulated to all affected stakeholders and obtain signoffs from same for absence of conflict;
- (iii) include minimum clearances and depths; and,
- (iv) consider joint works to minimize disturbance to both City streets and residents.

This document applies to all U.S.P.s, commissions, agencies, boards, associations, and private stakeholders, proposing to undertake work with City of Oshawa right-of-ways.

## 2.0 General Requirements

In making an application for installation with the City's road allowance, the Applicant must agree that:

- If the work arising out of an application does not commence within (6) months of the issuance of the consent, the applicant will be required to apply for an extension of the Municipal Consent, including any additional fees required.
- Applications will be checked against a list of planned capital projects submitted to the Oshawa Municipal Services Coordinating Committee (O.M.S.C.C.). For proposed work that is anticipated to cause a major disruption but was not identified on the list of planned capital projects, the Applicant may be required to submit an explanation of why the project was not identified at the time the list was prepared prior to the application being processed.

- A Road Occupancy Permit (R.O.P.) must be issued prior to the commencement of work within the City Road Allowance.
- The applicant shall provide as-constructed drawings of the completed work where required to the City's Utility Coordinator, as set out in the document.

### **3.0 Work Requiring Only a Road Occupancy Permit**

The following types of work require only an R.O.P.:

- Emergency work required to maintain or restore existing service
- Exploratory work to investigate subsurface conditions
- The construction of service connections

All other types of work require both Municipal Consent and a Road Occupancy Permit.

Applications for an R.O.P. shall be made on the standard form "Road Occupancy Permit Application Form" that can be obtained through Service Oshawa. R.O.P. forms can also be filled out online through the City of Oshawa website [www.oshawa.ca](http://www.oshawa.ca).

A plan or other information indicating the nature and location of the work being proposed shall accompany the R.O.P. Application. In instances where Municipal Consent is required, the signed/approved Municipal Consent drawing and approval letter must be presented in order to obtain an R.O.P.

An application for an R.O.P. shall be completed and returned no later than 5 working days prior to the proposed closure or occupancy of arterial collector roads and 2 days in advance of work being proposed on local roads. This notice is exclusive of Sundays, and statutory Holidays. Where the project requires amendment to the Traffic By-law, 8 weeks notification is required. The permit must be retained for inspection at the work site at all times.

The Applicant has the responsibility to ensure that all affected parties are notified of the work and that the appropriate locates and clearances are obtained prior to commencing any installation.

#### **3.1 Emergency Work**

##### **3.1.1 Scope**

The requirements and process for emergency work shall apply to work requiring a new excavation and be limited to the repairs or actions required in response to a failure of, or damage to, existing plant that results in, or has the potential to result in danger to the public, a loss of an essential service, and/or damage infrastructure or other utility plant

### **3.1.2 Requirements**

Emergency work is permitted prior to submission of an R.O.P. Application. Telephone notice shall be given immediately, upon commencement of the Emergency Work, to the City and on the next working day, the Applicant shall:

- Submit an application for an R.O.P.
- Notify E.M.S. or police if assistance is required, including using 9-1-1 services if deemed appropriate.
- Submit a Municipal Consent Submission form to the City's Utility Coordinator if the installation of new or additional infrastructure is required for the emergency repair.

### **4.0 Work Requiring Municipal Consent (as well as a Road Occupancy Permit)**

When work requires excavation within the City of Oshawa right-of-way, or the work is for the placement of additional infrastructure, approval for the work is granted by a Municipal Consent. With the exception of "Emergency Work", no excavation shall commence before the issuance of a Municipal Consent.

Municipal Consents and R.O.P.s are only issued to U.S.P.s, commissions, agencies, municipal/ regional departments and private applicants which have the authority to construct, operate and maintain their infrastructure on the public road allowance as established through legislation or terms of a Municipal Access Agreement or Franchise Agreement.

The Applicant understands, and agrees that in making an application for Municipal Consent and/or R.O.P., the Applicant agrees to abide by the terms and conditions of the consent and/or permit.

### **5.0 Application Submission**

The application shall be submitted to the City's Utility Coordinator for review and approval. Incomplete submissions will be returned to the Applicant. The date of the application will be the date on which the City receives the completed application submission.

One application submission shall be completed for each road location where the proposed work is to be carried out. If, in the opinion of the City's Utility Coordinator, additional applications are required due to length of the work proposed, the applicant shall provide the additional applications required.

#### **5.1 Municipal Consent Fee**

In accordance with City of Oshawa "General Fees and Charges By-Law 13-2003", all applications shall include a Municipal Consent Fee per street included in the application. A street is generally considered to be 700 metres in length. Any street in excess of 700 metres will be charged an additional Municipal Consent Fee, as appropriate.

## 5.2 Circulation

Prior to submitting an application, the Applicant shall circulate drawings of its proposed work to all members of the O.M.S.C.C. and any other agency, commission, or person that may be impacted by the work, for the purpose of receiving comments, avoiding conflicts and determining if a joint installation with another party is feasible.

All circulated parties shall be afforded 15 business days from the date of issuance if the circulation is made electronically or by courier, or 18 business days if by mail, to provide comments to the Applicant and determine if a joint installation with the Applicant is feasible,

The Applicant shall attach to the application:

- A dated confirmation from each party that it has received the circulation
- A circulation list which identifies:
  - The parties receiving the circulation;
  - The contact details and method of delivery to each party;
  - The date that the circulation was issued; and,
  - The date of the response, if any, from each party.

Prior to submitting an application, the Applicant shall resolve any identified conflicts and, where applicable, negotiate the terms of a joint installation. By submitting an application, the Applicant confirms that:

- The Applicant has resolved all objections received and conflicts identified as of the date of the application; and,
- The Applicant has explored all other options for installing its proposed equipment that will avoid excavating in a street, including but not limited to, using the existing facilities of private parties.

If, at any time after the permit application is submitted, the Applicant becomes aware of a conflict, it must immediately advise the City of that conflict.

Should the City become aware of a conflict or be advised that a joint installation is feasible after the circulation period or after the permit application has been submitted, the City will not issue a permit until the Applicant has resolved the conflict, or fully explored the feasibility of a joint Installation, to the City's satisfaction.

Should a conflict be identified following the issuance of a permit, the Applicant shall contact the City's Utility Coordinator before continuing construction. Work shall not commence until the City's Utility Coordinator has approved an alternate location and/or route for the proposed infrastructure. The Applicant will identify these changes in their as-constructed submission.

### **5.3 Incomplete Applications**

Municipal Consent applications that do not comply with the M.C.R. will not be reviewed. The Applicant will be notified by the City's Utility Coordinator and informed on the specific parts of the M.C.R. with which the application does not comply.

### **5.4 Application Review Period**

The date of the application will be the date on which the complete application is received by the City. Applications will normally be processed within 20 business days of receipt.

The time required for review will vary depending on the nature, size and complexity of the proposed work and the completeness and clarity of the application package. Additionally, a high volume of applications may occasionally delay the approval and issuance of permits.

## **6.0 Application Drawing Requirements**

### **6.1 Drawing Requirements**

The application drawings will show:

- A scale of 1:200 horizontal and 1:100 vertical and be dimensioned in metric;
- A prominent arrow indicating the direction north;
- A Key Map;
- A Legend;
- Street names, property and building numbers. If a municipal address is not available, provide dimensions from the location of work to the nearest intersection of street lines;
- Horizontal control monuments within 5 metres of the proposed work;
- Lot, Concession and Township if in rural areas;
- Property lines, right-of-way limits and easement limits;
- Street lines, road pavement, sidewalks, guide rail, driveways, boulevards and curbs;
- Street furniture including vaults, transformers, pedestals, regulators, hydrants, poles etc., and structures such as, but not limited to, railway lines, entrances, encroachments etc. which may impact on the work;
- All existing above ground structures within 10 metres, if an above ground plant is proposed;
- Trees/dripline;
- The outline of adjacent surface and subsurface structures;

- A description, location and dimensions of existing plant;
- A description, location and dimensions of proposed plant;
- The distances from the proposed work to adjacent street lines. Define start and end of construction with tie-in dimensions to the nearest intersection;
- Construction methods and related details for the installation of underground plant;
- All utility depths references based on geodetic elevations; and,
- Sign off by other utilities with respect to existing location of their plant, location of proposed plant by the Applicant with no conflict for future undertakings.

For the purpose of preparing the application drawings "adjacent surface and subsurface structures" and "adjacent plant" shall mean infrastructure that may be impacted by the work or is located with the applicable minimum clearance distances.

The drawing shall be grey scale with bold distinct line types to distinguish between types of proposed facilities.

## **6.2 Clearance from Other Plant**

Horizontal and vertical clearances shall comply with Appendix 'A', Horizontal and Vertical Clearance Guidelines. The indicated clearances are minimums and shall be interpreted to be measured from, the outermost edge of the existing plant to the outermost edge of the proposed plant.

Any encasement, steel plating or other non-excavatable material shall be considered to be part of the proposed plant and must meet the required clearance from existing plant.

Exemptions from the minimum clearances may be granted, at the discretion of the affected plant owners and the approval of the City, acting reasonably. At a minimum, any consideration for exemption will require written consent from the affected plant owners giving explicit permission to the Applicant to reduce the clearance. The Applicant may be required to submit a detailed drawing identifying the existing and proposed plant.

## **6.3 Depth of Cover**

Depth of cover for all installations shall meet the depths set out in the City Oshawa Engineering Design Standards. Where there is a conflict at the proposed depth of cover, the Applicant shall plan to go to a deeper depth to accommodate the existing plant and meet the required clearances.

Where an Applicant demonstrates that the depth requirements cannot be met, exemptions may be granted on a case-by-case basis. Applicants should contact the City for such an exemption at the planning stage of their projects, prior to submission of a Municipal Consent application.

Under no circumstances shall plant be installed shallower than the minimum depths indicated without specific written consent from the City.

## **6.4 Curbed/Uncurbed Roads**

The Applicant must provide a cross section for all proposed road crossing showing all existing infrastructure being crossed. The minimum depth of cover for all road crossings shall be determined by the City's Utility Coordinator on a street by-street basis and provided on the application, as applicable,

## **6.5 Boulevards**

The minimum depth of cover within the City's boulevards on all streets shall be 900mm.

## **6.6 Tree Protection Zone**

For any means of construction other than directional boring, the minimum depth of cover shall be 1.5 metres within the tree protection zone. If the installation of plant is executed via directional boring, the depth of cover may be reduced to a minimum of 1.2 metres within the tree protection zone.

## **6.7 Alignments**

Wherever possible, installation of plant should follow the alignments shown in the standard right-of-way cross sections in the City of Oshawa Engineering Design Standards.

The City, at its sole discretion, may direct the Applicant to propose an alternate alignment if, in the opinion of the City's Utility Coordinator, the proposed alignment is not in the best interests of the efficient and organized usage of the right-of-way.

## **7.0 Moratorium on Newly Improved Streets**

To ensure long-term sustainability of the City's infrastructure, the City enforces a moratorium on all newly improved streets.

The moratorium ensures that the integrity of the pavement structure is protected and also serves to minimize the disruptions and inconvenience to the public resulting from repeated construction activity.

Unless otherwise stated the moratorium applies to the whole street, from property line to property line. The expiry of the moratorium shall be measured from December 31 of the calendar year in which the improvement was performed.

### **7.1 Duration**

The moratorium shall apply within:

- 3 years from the date of:
  - Maintenance or repair work undertaken on roads, curbs, sidewalks, and boulevards;
  - Construction, reconstruction, maintenance, or repair of embankments, handrails of highway bridges, rail bridges, pedestrian bridges and culverts; and,

- 5 years from the date of:
  - Construction or reconstruction of roads, curbs, sidewalks and boulevards;
  - Full resurfacing of streets including base repairs;
  - Construction, reconstruction, maintenance or repair of abutment walls, piers, un-waterproofed bridge approaches, slope protection of highway bridges, rail bridges and pedestrian bridges; and,
  - Construction, reconstruction, maintenance or repair of culverts.

## **7.2 Exceptions**

While these requirements represent the City's current policy, it is recognized that under certain circumstances, such as emergency work referenced in Section 3 of the M.C.R., providing new services for a customer, or construction identified by the City as being necessary to ensure public safety, an exception to the moratorium may be made. Exceptions may be made, at the sole discretion of the City, provided that the Applicant has investigated and evaluated all other options and can demonstrate that they are not feasible or practical.

When such exceptions are granted, the Applicant shall exhaust all trenchless methods available to minimize the number and size of cuts in the street. The City, acting reasonably, may request more extensive site restoration than would normally be expected, at the Applicants expense, in order to mitigate the concerns of public inconvenience, premature degradation and aesthetics of newly improved streets.

## **8.0 Construction Requirements**

### **8.1 Scope**

These requirements cover the work proposed by the Applicant within the City of Oshawa's right-of-ways and describe, the procedures to be followed before, during and after construction work.

Work must be completed in accordance with the restrictions shown on posted signs, the conditions listed on the R.O.P. and the requirements outlined in this document. There shall be no deviation from the approved drawings for any part of the proposed installation without prior approval from the City.

### **8.2 Insurance**

Proof of liability insurance for the construction, operation and maintenance of plant shall be provided to the satisfaction of the Durham Municipal Insurance Pool (D.M.I.P.) as set out in the authority or agreement under which the Applicant occupies the right-of-way.

### **8.3 Pre-Inspection**

During the pre-inspection process the City's Utility Coordinator meets with the applicant representative and reviews the proposed work prior to construction start. All permits

issued with a pre-inspection indicated may not proceed until pre-inspection is complete. When requesting a pre-inspection, that Applicant's representative should:

- Ensure all Utility locates are on site (ground or hard copy);
- Provide an approved permit number to the City's Utility Coordinator;
- Contact the City's Utility Coordinator a minimum of 48 hours before the requested pre-inspection time; and,
- Ensure a hard copy of the R.O.P. is onsite for review/confirmation by the City's Utility Inspector.

Should there be something missing that prevents the pre-inspection from being carried out (i.e. locates) an additional inspection fee will be charged for any subsequent visits.

At pre-inspection, the City's Utility Coordinator will:

- Notify the Applicant's representative that work may not start if other contractors are present in the proposed work area unless coordinated with the other contractor(s);
- Require proof that traffic control has been taken into consideration including pedestrian traffic and that a traffic protection plan has been complete for the site;
- Record any existing damages in the work area on the City right-of-way to be used in the future should any claims or disputes arise;
- Review impacts on hard surfaces and ensure all road cuts and sidewalk cuts have been identified and approved;
- Review clearances from existing utilities and street furniture;
- Red line and markup applications with adjustments agreed upon during site inspection; and,
- Provide final sign-off on applications if all-conditions are met at pre-inspection allowing work to proceed or decline the R.O.P. if conditions have not met.

#### **8.4 Resident and Business Notification**

The Applicant must notify the adjacent property owner(s) and/or business locations along the affected frontage in writing providing the name of the Applicant, Contractor/U.S.P. where applicable, and a contact phone number. The Applicant should clearly describe the nature of the proposed work, the expected duration, and the proposed restoration practices.

#### **8.5 Documents Required To Be On-Site**

The Applicant shall ensure that, as a minimum, copies of the following documents are kept on-site at all times and shall make these documents available for viewing immediately upon being request by City of Oshawa staff:

- R.O.P.;
- Approved/Stamped Municipal Consent Drawing;
- Approval Letter;
- Notification to adjacent residents and businesses, where applicable; and,
- Any red lined drawings issued through pre-inspection.

## **8.6 Temporary Service Drops**

Temporary services drops shall be permitted as a temporary means to supply servicing to a resident or business with the permanent service being installed at a future date.

Temporary service drops shall be subject to the following requirements:

- Installed in a manner that ensures the safety of residents, pedestrians, and vehicles;
- Have a high regard for aesthetics;
- Maintain pedestrian access, and where practical, vehicular access, to all public and private properties;
- Be buried such that it does not constitute a tripping hazard;
- Not cross sidewalks, driveways or walking paths along the surface;
- Not lie unprotected on the ground at any location;
- Not be strung using trees with a trunk diameter of less than 300mm. When using a tree, the cable shall be affixed to the tree with tape or with a minimal wrap-around. Under no circumstances shall cables be attached to trees using screws, nails or other destructive methods;
- Shall be no less than 4.5 metres in height when crossing a road, sidewalk, driveway or walking path;
- Enter and leave a utility pedestal at a 90 degree angle;
- Not cross over a property that is not serviced by this cable without the consent of the affected property owner;
- Include notice to all residents of all properties affected by the temporary service connection including an estimated date of permanent service installation and removal of the temporary cable; and,
- Shall remain in a closed and safe condition at all times.

The Applicant shall use best effort to install the permanent service as soon as possible. In the winter or early spring, frost conditions may delay the permanent installation. However, in general, temporary service drops shall be removed within 45 days.

Immediately upon installation of the permanent service, regardless of whether or not restoration has been completed, all materials and equipment associated with the temporary service drop shall be removed from the site by the U.S.P.

### **8.7 Locates and Protection of Plant**

Prior to the commencement of any excavation, the Applicant shall obtain locates from all owners of underground plant in the work area to determine the location of all such plant and shall comply with any standards and instructions from the plant owners when working near their plant. The Applicant shall comply with City of Oshawa Engineering Design Standards when excavating, shoring, piling, backfilling and compacting around existing plant or as directed by the owner of the plant and the City's Utility Coordinator.

### **8.8 Working Hours**

The Applicant shall comply with Noise By-law 112-82, as amended, of the Corporation of the City of Oshawa available at:

[www.oshawa.ca/uploads/16/NoiseBy-law112-82.pdf](http://www.oshawa.ca/uploads/16/NoiseBy-law112-82.pdf)

In addition, the Applicant shall:

- Maintain equipment in a good working condition.
- Restrict idling of service equipment to the minimum necessary for the proper performance of the specified work.

Working hours will be as noted in Noise By-law 112-82, as amended.

### **8.9 Trenchless Installations**

Where the work is being undertaken using trenchless installation methods, pilot holes and any other damage to the street infrastructure shall be restored as per the requirements of this document. The location of the pilot holes and the measured depth of the existing plant must be clearly depicted on the location certificate.

### **8.10 Reporting Impact/Damage to Existing Plant**

Any impact to existing plant including, but not limited to, the protective coating, support, cathodic protection or the housing of the plant, shall be reported to the City's Utility Coordinator and plant owner immediately. The plant shall remain exposed, with the excavation properly supported, until the plant owner has assessed the damage and made repairs or authorized the Applicant to proceed.

### **8.11 Hard Surface Restoration**

Hard surfaces shall not be impacted without prior approval from the City of Oshawa. Should it be determined during construction that a hard surface needs to be altered, the

City of Oshawa must be notified prior to any work occurring. The following should be followed when impacting hard surfaces:

- If to carry out the works it is necessary to alter, break, or disturb an existing pavement, curb, gutter and/or sidewalk, the Applicant shall undertake a permanent repair immediately upon completion of the work to the satisfaction of the City unless alternative arrangements are made with the City. Temporary repairs are permitted after December 15 but must be reinstated to a permanent repair no later than April 30 of the following calendar year.
- When using asphalt for temporary sidewalk restoration, the Applicant shall ensure compacted base and positive drainage. Without good compaction and positive drainage, water that collects in in depressions freezes and may result in personal injury.
- Where sidewalks are disturbed, a minimum (1) sidewalk bay must be replaced as per the City's Engineering Design Standards. If disturbance takes place within a pedestrian crossing ramp, the Applicant must replace the sidewalk bay as per the City's Engineering Design Standards including tactile warning plates in accordance with the Accessibility for Ontarians with Disabilities Act (A.O.D.A.). Asphalt and concrete patches are not acceptable as final restorations.
- Where sidewalk sections of 15 metres or more are required to be removed and replaced, the Applicant must submit a sidewalk design completed as per the City's Engineering Design Standards and signed by a Professional Engineer. The City of Oshawa reserves the right to review the design and determine whether or not the design is acceptable. Where there is the opportunity for coordination with the City's Capital Works Contract, the City and the Applicant shall enter into negotiations regarding cost sharing and scheduling as it pertains to the permanent restoration of concrete sidewalks, concrete curbs and road structures.
- Each year, the Applicant must submit to the City of Oshawa's Engineering Department a list of 4 pre-qualified contractors for the purpose of hard surface restorations.
- Unshrinkable fill is to be used in all cuts under hard surfaces, including both road and sidewalk surfaces unless permission has been obtained from the City of Oshawa to install compacted granular and it is installed under geotechnical supervision.
- Asphalt driveway aprons shall be fully restored at the Applicant's cost if the utility cut is the second cut in the apron.

### **8.12 Pavement Degradation Fee**

Utility providers should take every opportunity available to avoid cutting into the road pavement. In instances where this is unachievable, a degradation fee will be applied to the Municipal Consent Fee.

This fee is intended to compensate the City for the loss of pavement life due to the utility cut and will be based on a unit cost per square metre (\$/m<sup>2</sup>) of impacted pavement area depending on the age of the asphalt being cut as shown in Table 1 below.

**Table 1**

<b>Age of Road (Years)</b>	<b>Degradation Fee</b>
0 to 15	\$40 sq.m
15+ to 30	\$32 sq.m
30+ to 45	\$24 sq.m
45+ to 55	\$18 sq.m
55+ to 70	\$11 sq.m

Pavement Degradation fees will be charged as part of the R.O.P. process.

### **8.13 Working Around and Replacement of Horizontal Control Monuments**

Prior to the commencement of construction, the City of Oshawa will identify any monuments within the proposed working area of the Applicant. Common places include sidewalk bays and top of curbs. The Applicant will be responsible for the replacement cost of any monument removed to facilitate the work.

It is suggested that the contractor installs highly visible stakes in the boulevard opposite the monuments and make all workers aware of the monument. If the monument is to be circled with paint, care must be taken not to cover the face of the monument in any paint or overspray.

The Applicant is to avoid moving equipment, materials and machinery over the bay of curb/sidewalk containing the monument and the monument itself. The Applicant shall be responsible for the preservation of all survey monuments identified by the City of Oshawa. It is also encouraged to leave in surrounding bays of sidewalk and curb if possible to ensure stability of the bay that the monument is in itself. It is also expected that the contractor will leave in the monument identified for removal as long as possible without impact to the work schedule. Exceptions will be made to those monuments identified for removal to facilitate work.

If the Applicant is unable to find a monument that has been identified by the City they are to call the City of Oshawa's Survey Department, who will identify the exact location of the monument onsite at no charge. Survey monuments are inventoried yearly and the contractor could be held, responsible for a previously removed monument if not identified as missing prior to the commencement of work.

At the completion of major project works the City of Oshawa will inspect the condition of the monuments and make notes to any changes observed over the length of the works. Monuments that are damaged/destroyed/missing/disturbed after the contractors operations will be replaced at the contractor's expense by the City.

**Table 2**

<b>Item</b>	<b>Price</b>
Urban Style Monument Cap	\$55.00
Rural Style Monument Cap	\$85.00
Urban/Rural Cap Install and Cosine Integration	\$1,500.00

If the replacement of the monument is identified during the consent review the cost associated with its replacement of that monument will be added to the Municipal Consent fee. The City of Oshawa's Survey Department will maintain an inventory of all monuments damaged during utility works and provide the U.S.P. with an invoice at the end on the year.

#### **8.14 Non-Compliance**

Should any construction begin that is not in compliance with the conditions of the permit(s) and this document, the Applicant may be issued a stop work order and may be required to perform temporary restoration and move all equipment and materials off-site until these requirements are met in full. The permit may be cancelled and a new application may be required.

Depending on the severity of the infraction, the issuance of new permits for some or all of the work by the same Applicant may be withheld or delayed until the infraction has been addressed by the Applicant to the satisfaction of City staff.

If City staff is required to visit the site at any time due to non-compliance of permit, expenses may be charged back to the Applicant, as appropriate.

The R.O.P. shall be null and void if the Applicant should fail to meet the requirements of the permit, and in that case, a new application for a permit shall be made.

#### **9.0 Interpretation**

Changes to the policy numbering, cross referencing of policy sections and/or minor editorial changes to this document may be made by the Commissioner of Economic and Development Services. Major changes to the document will require the approval of the Economic and Development Services Committee and Council.

## Appendix 'A'

### General Utility Cover/Clearance Guideline

#### Conduit/Buried Cable

##### Construction Method

###### Trench

- 0.6 metre horizontal clearance from all existing underground cable/conduit
- 0.3 metre vertical clearance from all existing underground cable/conduit
- 1.0 metre horizontal clearance from all storm/sanitary sewer and watermain
- 0.3 metre vertical clearance from all storm/sanitary sewer and watermain
- 0.5 metre horizontal clearance from back edge of curb
- 0.9 metre minimum cover in boulevards
- 1.5 metres minimum cover under all trees

###### Boring

- 1.0 metre horizontal clearance from all existing underground cable/conduit
- 0.3 metre vertical clearance from all existing underground cable/conduit
- 1.0 metre horizontal clearance from all storm/sanitary sewer and watermain
- 0.3 metre vertical clearance from all storm/sanitary sewer and watermain
- 0.5 metre horizontal clearance from back edge of curb
- 0.9 metre minimum cover in boulevards
- 1.5 metre minimum cover under all trees

Road crossing depths to be determined by City staff in order to avoid conflict with existing underground services and underdrains. Refer to the City's Engineering Design Standards for Subdrain and Utility crossing details.

#### Hydro Transformers/Poles

- 0.5 metre from edge of transformer/pole/guy and anchor to edge of sidewalk
- 0.5 metre from edge of transformer/pole/guy and anchor to edge of curb
- 1.0 metre from edge of transformer/pole/guy and anchor to edge of driveway
- 3.0 metres from edge of transformer to existing trees
- 1.5 metres from edge of transformer to pedestals or light poles
- 3.0 metres from operating side of transformer to pedestal or light poles

#### Pedestals

- 1.0 metre from driveways
- 0.5 metre from edge of sidewalk
- 1.0 metre offset from back edge of curb
- 1.0 metre offset from storm/sanitary sewer and watermain
- Locate outside tree dripline

#### Grade Level Box/ Flushmount/Vault

- 0.5 metre from driveways
- 0.5 metre from edge of sidewalk – some instance where this isn't achievable. GLB will be forced to be located adjacent to sidewalk

- 0.5 metre offset from back edge of curb
- 1.0 metre offset from storm/sanitary sewer and watermain
- Locate outside tree dripline

Both pedestals and GLB should ideally be located within park space or alongside lots where achievable.

**\*Hydrants – No utility infrastructure to be place between and existing hydrant and watermain.**