

Dear Recipient,

## **RE: Excavation in a City Right-of-Way – Updated Procedure**

The City would like to provide you with information regarding new permit and procedural requirements that apply to telecommunication projects. These new requirements relate to restoration of the right-of-way (ROW) surface (asphalt, concrete, gravel, or grass/landscaping) after subsurface work has been completed.

In 2024, the City established Municipal Access Agreements (MAAs) with Bell, Rogers, and Telus. The Agreements specified various terms and conditions that are applicable to the telecommunication carrier's work in City ROWs.

One of the important terms in the agreement is a 2-year warranty on all surface repairs completed by the telecommunication carrier or their contractor.

Procedurally, the steps listed below will be required on all future surface restoration projects completed by the telecommunication carrier or their contractor.

### **1) Excavation Permit**

Before a contractor can complete excavation in a City ROW, an Excavation Permit is required through [engineering@reddeer.ca](mailto:engineering@reddeer.ca). There is a \$205 fee for the Excavation Permit. When a contractor applies for an Excavation Permit, they must indicate whether they intend on doing the surface restoration themselves, or if they wish to hire the City to do the surface restoration. The Excavation Permit form has been updated to reflect this choice and is attached for reference. The aforementioned 2-year warranty is only applicable if the contractor chooses to complete the surface restoration. If they choose to hire the City to do the restoration, no warranty is applicable. The City cannot guarantee that resources will be available to complete all surface repairs and reserves the right to decline the contractor's request of hiring the City to do the restoration work.

### **2) Construction & Restoration**

#### **a. Option 1 – Surface Restoration Completed by Contractor**

- **Construction Completion Inspection**

After completion of the intended work and restoration of the surface of the ROW, a site inspection will be conducted by the City inspector. If there are any deficiencies or any work does not meet City standards, the contractor must complete the necessary repairs

within a specified period and notify the City upon completion for a re-inspection. For all seasonal temporary repairs, the contractor is to replace the temporary repairs with the final repair at the start of the following construction season or as weather permits. Any deficiencies will need to be repaired and inspected by a City representative. If no deficiencies are identified, the surface restoration will be accepted, and the two (2) year warranty period will start.

- **Warranty Period**

During the two (2) year warranty period, the contractor is responsible for maintaining the final surface restoration work from the date of completion in accordance with the City of Red Deer guidelines. If the City identifies a failure in the contractor's surface restoration or subsurface restoration, the contractor is to complete the necessary repair within fifteen (15) days of receipt of notification from the City. If the contractor fails to complete the work within the period or there is no communication and efforts made by the contractor to due diligently attempt the repairs, then the City may complete the restoration repairs and charge the City's cost to the contractor.

- **Final Inspection**

At the end of the two (2) year warranty, an inspection will be conducted. If any deficiencies are identified during the final inspection, the contractor will be responsible for all necessary repairs. Once the repairs are completed and final inspection is approved, the City will resume responsibility for ongoing maintenance.

#### **b. Option 2 – Contractor Hires the City to Complete the Restoration**

The telecommunication carrier and contractor may request that the City of Red Deer complete the surface restoration of the ROW. In this situation, the two (2) year warranty period will not be applicable. The fees for the surface restoration will be determined in accordance with the Municipal Access Agreement. For all surface turf repairs an additional fee for site preparation may apply if the site is not left in a condition appropriate for the placement of topsoil.

This option will not be available if the City does not have enough resources to complete the restoration in a timely manner, or where seasonal conditions don't allow for it. In these situations, the contractor will be advised (as soon as possible) that they are required to complete the surface repairs through use of their own forces (and follow the procedure listed in #1 above).

Should you have any questions about the above updated Excavation Permit procedure, don't hesitate to contact the undersigned.

Ghanim Waseem

Municipal Technologist

[ghanim.waseem@reddeer.ca](mailto:ghanim.waseem@reddeer.ca) | 403-342-8761