



# City of Richmond

## Report to Committee

**To:** Public Works and Transportation Committee      **Date:** December 10, 2020  
**From:** Milton Chan, P.Eng.      **File:** 03-1000-21-023/Vol 01  
Director, Engineering  
**Re:** **Municipal Access Agreement with Rogers Communications Canada Inc.**

### Staff Recommendation

That the Chief Administrative Officer and the General Manager, Engineering & Public Works be authorized to negotiate and execute, on behalf of the City, a Municipal Access Agreement between the City and Rogers Communications Canada Inc. containing the material terms and conditions set out in the staff report titled, "Municipal Access Agreement with Rogers Communications Canada Inc.", dated December 10, 2020 from the Director, Engineering.

Milton Chan, P.Eng.  
Director, Engineering  
(604-276-4377)

REPORT CONCURRENCE		
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
Law	<input checked="" type="checkbox"/>	
<b>SENIOR STAFF REPORT REVIEW</b>	<b>INITIALS:</b> 	<b>APPROVED BY SAO</b> 

## Staff Report

### Origin

A Municipal Access Agreement (“MAA”) is required in order for third party utility owners such as Rogers Communications Canada Inc. (“Rogers Communications”) to install telecommunication infrastructure and equipment within dedicated highways, streets, roads, road allowances, lanes and bridges under the City’s jurisdiction (collectively, the “Service Corridors”).

The existing MAA between Rogers Communications and the City was executed on January 5, 2010. This MAA allows either party to terminate the agreement with written notice to the other party. Rogers Communications has requested that a new MAA be negotiated with the City and that the existing agreement be terminated once a new MAA is in place. Staff have prepared a draft MAA based on the City’s current MAA template for the purposes of negotiation with Rogers Communications. The new agreement will better reflect updated regulations around telecommunication MAA’s that have been introduced over the last decade. Staff will also negotiate to protect the City’s interests to the fullest possible extent.

This report supports the following strategies in Council’s Strategic Plan 2018-2022:

#### Strategy #4 An Active and Thriving Richmond:

*An active and thriving community characterized by diverse social and wellness programs, services and spaces that foster health and well-being for all.*

*4.2 Ensure infrastructure meets changing community needs, current trends and best practices.*

#### Strategy #5 Sound Financial Management:

*Accountable, transparent, and responsible financial management that supports the needs of the community into the future.*

*5.4 Work cooperatively and respectfully with all levels of government and stakeholders while advocating for the best interests of Richmond.*

#### Strategy #7 A Supported Economic Sector:

*Facilitate diversified economic growth through innovative and sustainable policies, practices and partnerships.*

*7.1 Demonstrate leadership through strategic partnerships, collaborations and exploring innovative and emerging economic practices and technical advancements.*

### Analysis

Rogers Communications is a federally regulated telecommunications carrier providing telecommunications services in Canada. Rogers Communications installs telecommunications infrastructure and equipment within the City of Richmond’s Service Corridors. Rogers

Communications must seek the City's consent to use the Service Corridors and this is typically accomplished through a MAA.

The City has MAA's with all telecommunications carriers who use the City's Service Corridors. The proposed Rogers Communications Municipal Access Agreement will protect the City's interests and establishes the roles and responsibilities of both parties. The proposed agreement with Rogers Communications will:

- Specify locations where the agreement will be applicable (i.e. the Service Corridors);
- Specify required consent for constructing, maintaining, operating, repairing and removing Rogers Communications' equipment, and define the scope of the City's consent;
- Require Rogers Communications to pay causal costs to the City to compensate the City for additional effort and materials spent working around a private utility installation while maintaining or constructing public infrastructure;
- Define the conditions which Rogers Communications may carry out work;
- Enable the City to have access to information about Rogers Communications equipment;
- Specify cost allocations for Rogers Communications equipment to be relocated as a result of any municipal and third party projects;
- Minimize the City's liability due to Rogers Communications' work or equipment;
- Permit shallow inlay fibre;
- Define fees (e.g. lost productivity costs, permitting and inspection costs, and pavement degradation) with annual increases to reflect CPI;
- Require Rogers Communications to assume environmental liability for any hazardous substances that they bring to or cause to be brought to the Service Corridors;
- Identify the insurance requirements Rogers Communications must maintain; and
- Include mutual indemnity clauses.

Changes from the existing agreement that will be pursued by the City through negotiations with Rogers Communications include:

- Permitting and specifying requirements around shallow inlay fibre. Shallow installations for telecommunications infrastructure would benefit the City by reducing public disruptions and maximizing corridor space for utilities.
- Updating the environmental responsibility and liability clause to require Rogers Communications to assume any environmental liability related with their works.
- Adding the City's district energy utility and Metro Vancouver infrastructure to the Relocation of Equipment clause, which would require Rogers Communications to relocate their equipment to accommodate if necessary and outline their cost responsibility.

Under the current legislative framework, if Rogers Communications wishes to install 5G small cell antennas on any City infrastructure (traffic lights, bus shelters, light standards, etc.) it will have to enter into a separate agreement with the City, in addition to the proposed Rogers Communications Municipal Access Agreement.

#### **Financial Impact**

None.

**Conclusion**

A Municipal Access Agreement between the City and Rogers Communications will allow the City to better manage and regulate the installation and presence of Rogers Communications equipment within the City's Service Corridors. The terms and conditions of the proposed agreement provide cost recovery for the City and protect the City's interests.



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