



City of Richmond

Report to Committee

To: Public Works and Transportation Committee

Date: October 6, 2014

From: John Irving, P.Eng. MPA
Director, Engineering

File: 10-6060-01/2014-Vol
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Re: Municipal Access Agreement with JET Engineered Telecommunication Technologies Corp. (Carrying on Business as "JETT Networks")

Staff Recommendation

That the Chief Administrative Officer and the General Manager, Engineering & Public Works be authorized to execute, on behalf of the City, a Municipal Access Agreement between the City and JET Engineered Telecommunication Technologies Corp containing the material terms and conditions set out in the staff report titled, "Municipal Access Agreement with JET Engineered Telecommunication Technologies Corp. (Carrying on Business as "JETT Networks")", dated October 6, 2014, from the Director, Engineering.

John Irving, P.Eng. MPA
Director, Engineering
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| REPORT CONCURRENCE | | |
|--|----------------------------|---|
| ROUTED TO: Law | CONCURRENCE | CONCURRENCE OF GENERAL MANAGER |
| REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE | INITIALS: JC | APPROVED BY CAO |

Staff Report

Origin

JET Engineered Telecommunication Technologies Corp. (“JET”) have requested 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”). To accommodate this request, a draft Municipal Access Agreement (“MAA”) between JET and the City has been prepared.

Analysis

JET is a company which specializes in the installation of telecommunications infrastructure and equipment in Canada using shallow-inlay processes. JET is proposing to install telecommunications infrastructure and equipment within the City of Richmond’s Service Corridors. JET must obtain the City’s consent to use the Service Corridors and this is typically accomplished through a MAA.

The proposed JET MAA will protect the City’s interests and establishes the roles and responsibilities of both parties. The proposed MAA with JET will:

- Specify locations where the agreement will be applicable (i.e. the Service Corridors);
- Specify required consent for constructing, maintaining, operating, repairing and removing JET’s equipment, and define the scope of the City’s consent;
- Require JET to pay causal¹ costs to the City;
- Define the conditions under which JET may carry out work;
- Enable the City to have access to information about JET equipment;
- Specify cost allocations for JET equipment to be relocated as a result of any municipal and third party projects;
- Minimize the City’s liability due to JET’s work or equipment;
- Permit shallow inlay fibre;
- Identify the initial term of the MAA to be one year, automatically renewable for successive one year periods thereafter unless terminated for breach or by notice of non-renewal;
- Define and impose fees and charges (eg. lost productivity costs, permitting and inspection costs, and pavement degradation) and their annual CPI increase;
- Require JET 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 JET must maintain; and
- Include mutual indemnity clauses.

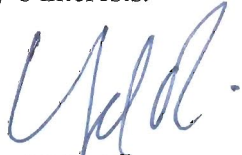
¹ Causal costs are costs incurred as a result of additional effort and materials spent working around a private utility installation while maintaining or constructing public infrastructure

Financial Impact

None. Companies that utilize City property as utility corridors pay an annual 1% tax to the City as per Section 192 of the *Community Charter* and Section 353 of the *Local Government Act*.

Conclusion

A Municipal Access Agreement between the City and JET will allow the City to better manage and regulate the installation and presence of JET 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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LB:cjr