



Municipal Consent Application Requirements

1. Introduction

The objective of the Municipal Consent Requirements is to provide for the efficient review of municipal consent applications to make utility installations within the Regional Municipality of Durham's (the Region) of Rights-Of-Way (ROW), and to ensure that, the Region receives the necessary information for it to effectively fulfill its responsibility as custodian of the ROW. Standard Utility Corridors and alignments have been established to avoid conflicts in the planning of projects by various utilities occupying the right-of-way and to minimize the impact of proposed work on adjacent infrastructure. All work within the ROW will require Municipal Consent from the Region via the Transportation Infrastructure group. This document applies to all utility companies, commissions, agencies, boards, associations, municipal departments and private stakeholder applicants proposing to undertake work within the Region's ROW.



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2. Municipal Consent Application Conditions

Municipal Consent (MC) application drawings must be submitted to the Region to obtain permission to place utility or municipally owned infrastructure within Regional ROW.

The approval of a Municipal Consent is valid for a period of six months from the date of issuance. If the work is not completed in its entirety within the 6 month period, the applicant must request an extension to the permit, which will be granted in 6 month intervals.

By submitting an application to perform work within the public ROW, the Applicant agrees to:

- i. Indemnify and hold harmless the Region and its elected officials, officers, directors, employees, representatives, successors and assigns (collectively the Indemnities) from all claims of injury, damage or loss, including legal costs, however arising, due to the construction, operation and/or maintenance of the work or temporary repairs referred to in this application unless such injury or damage was caused by the negligence or willful misconduct of the Region.
- ii. Indemnify and hold harmless the Indemnities from all claims and actions resulting from any preserved or perfected lien under the Construction Lien Act (Ontario) in connection with the construction, operation and/or maintenance of the work or temporary repairs referred to in this application. The Applicant shall cause any such lien or claim which may be filed or made to be released, vacated or otherwise discharged within 20 days of receiving notice of the lien or claim by the Region or otherwise. If the Applicant fails to release, vacate or discharge any such lien or claim, the Region may, but is not obligated to, obtain a discharge or release of the lien or claim or otherwise deal with the lien or claim, and the Applicant shall pay all costs and expenses, including legal fees, incurred by the Region in so doing.



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- iii. Conform to and comply with all applicable laws and regulations including, but not limited to, the Occupational Health and Safety Act (OHSA). The Applicant will indemnify and hold harmless the Region from and against all liability resulting from any and all failures to meet the responsibilities referred to in the OHSA, including any fine(s) levied against the Region as a result of any breach of the responsibilities of the employer for the project, to the extent attributable to the Applicant's failure to fulfill its obligations.
- iv. Perform all work in accordance with any legislated or negotiated agreements, such as municipal access agreements, applicable bylaws, the permit and this document.
- v. Applicant is responsible for any damages caused to public or private infrastructure during construction. Applicant must restore any damaged infrastructure to its original condition or better, to the satisfaction of the applicable agency and/or utility company.
- vi. Applicant is solely responsible for coordinating design and construction with all applicable agencies and utility companies.



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3. Definitions

"Applicant" means any utility company, commission, agency, municipal department or private party applying for Municipal Consent to gain approval for the placement of apparatus within Township's Public Road Allowance.

"Region" means the Regional Municipality of Durham or its authorized representative.

"Emergency Work" means work that must be complete immediately because health, safety or the provision of essential services is endangered. This emergency work could result from a broken watermain, gas line break, damaged hydro lines or severed telecommunication line.

"Municipal Consent" means the approval of a comprehensive drawing submission on the placement of apparatus within the Region's road allowance which has been approved by the Region via the Works Department,

"Plant" means any infrastructure referred to a utility system including poles, cables, pipes, conduits, pedestals, antennas, vaults, support structures or any other similar facilities or structures.

"Right-Of-Way" means the surface of, as well as the spaces above and below public road allowances.

"Road Occupancy Permit" means a permit issued by the Region for the purpose of Authorizing the commencement of all work taking place within the Regional road allowance.

"Work" means the installation, maintenance, repair, replacement, extension or operation of any Plant in a public road allowance.



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4. Municipal Consent General Requirements

A standard fee of \$600 per MC application will be charged (or as noted in the Works Department General Services Fees and Charges Bylaw). Note that if your Municipal Consent is required for a utility relocation for a Regional project, the permit fee will be waived.

There are two (2) sets of drawing standards / requirements that are applied to these applications.

- MC Applications outside of Region capital works project limits
- MC Applications within Region capital works project limits

For installations within Region capital works project limits, the MC application must be designed by using the Regions CAD base and design files (if available). Reason being that the design and construction installation accuracy is paramount to ensure that new infrastructure is not placed into conflict with the proposed contract works. When a preliminary routing for your installation is defined, please consult with Durham Region by submitting an inquiry to the Works Department [here](#) to determine if it will be within a Regional capital works project limit. The applicant will be connected to the Durham Region design team to coordinate proper design and installation alignments / locations / schedule etc.

For installations outside of Region capital works project limits, sections 2 and 3 within this document cover the standards and expectations for MC drawing applications.

Note that once your MC design is ready for submission, applications must be made by the infrastructure owner (not consultant) at this location:

<https://apps.durham.ca/Applications/Traffic/Permits/Permit/Apply>



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5. Municipal Consent Drawing Requirements

For applications that are outside of Region capital works project limits, MC application drawings must follow these standards:

- **Reflect actual site conditions and represent a constructable alignment and construction methodology. Drawings received that are deemed not constructible in terms of proposed alignment or construction methodology will be rejected.**
- Be no greater than 2km in length per application (typical length of a concession) for urban or rural installations.
- Include no more than one (1) Regional Road. Exceptions will be considered if less than 100m of installation on a second Regional Road is included in the MC scope. For example, an MC package with 200m on Reg. Rd. 1 and 500m on Reg. Rd. 2 will need to be submitted in two separate MC applications.
- Show all existing private and public utilities that are present within the area of the proposed installation. Existing private utility information must be obtained by circulating a records request from all utility companies active within the Region of Durham (electrical and gas distribution, telecoms, pipelines etc.). A list of utility record contacts can be provided by the Region upon request.
- Regional records must be requested and reflected in the Municipal Consent design. Records shall be requested from this location:
<https://forms.durham.ca/As-Built-Drawing-Request>.
- A request for Joint Use Trench installations for the area of proposed installation must be made prior to Municipal Consent submission. The Region may reject any installations that do not provide proof of joint use requests.



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- Include a profile for ALL road crossings (both Regional and Municipal) that have existing utilities (Regional and private) under the asphalt or shouldered road area. Show utility depths based on record information (if available) and / or standard utility depths. Standard cross sections will not be accepted for all road crossings.
- Have distinct line types that make it easy to distinguish between types of proposed utility
- Be signed and sealed by a professional engineer (when required by the Professional Engineers of Ontario)
- Utilize metric units



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6. Details to include:

- An arrow that shows which direction is north
- A legend
- The drawing's scale:
 - For low density utility– 1:500 Horizontal (plan), 1:100 Vertical (profile)
 - For high density utility – 1:200 Horizontal (plan), 1:100 Vertical (profile)
- Street names for all streets
- Property and building numbers for all properties and buildings
- Lot, concession and township information
- Property lines, right-of-way limits and easement limits
- Description, location and dimensions of proposed utility from property, edge of pavement / curb, from Regional infrastructure and adjacent utilities
- Driveways
- Pavement or curbs along the road
- Guide rails or cables
- Sidewalks
- Fencing
- Mature trees and their approximate dripline
- Ditches / culverts
- Existing private and public utilities that may be affected by the work
- Above or below-ground structures that may be affected by the work



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7. Design Considerations:

- Utility surface features (pedestals, poles, anchors, valves, manholes etc.) should be placed in locations to not impede adjacent businesses or residents. For example, new utility pedestals should be placed in locations of unmaintained lawns, or if not possible should be placed in areas where existing pedestals or other surface features exist. Often placement adjacent to lot lines is preferable.
- Respect MTO Clear Zone guidelines.
- Do not impact site lines at intersections.
- Minimum depth of cover within Regional ROW shall maintain 1.5m MIN under roadways and 1.0m MIN under boulevards / ditching. Best practice is to maintain 1.0m MIN cover under the C/L of road elevation under the boulevard to minimize chance of conflict with future road widening / grading activities.
- Typical utility offsets from Property Line (P/L) are as noted below. Note that these are typical alignments and are subject to alteration depending on existing site conditions.
 - Telecom pedestals - 0.3m from P/L
 - Gas – 0.9-1.2m from P/L
 - Buried telecommunications - 1.75m to 2.5m, however will need to vary if other utilities are in that alignment, or if Gas is not present, which may allow occupation of the 0.9m-1.2m offset from P/L. Illustration of existing utilities is necessary to determine the appropriate running line for your design.
 - Hydro poles – 3.0m from P/L. Note that handwells and pedestals are often placed in the same offset as hydro poles IF placement at 0.3m from P/L is not possible. Note that pole offsets from property may be



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impacted by various factors such as aerial circuit configuration, existing vegetation, buildings etc.

- Maintain a minimum of 2m horizontal clearance from existing large capacity Regional watermains ($\geq 300\text{mm}$), storm or sanitary sewers ($\geq 600\text{mm}$). 1m horizontal clearance is acceptable from local distribution mains / sewers.
- Maintain a minimum of 500mm vertical when crossing Region utility infrastructure (watermains, storm and sanitary sewers).
- Maintain minimum horizontal and vertical clearance requirements from adjacent private utility infrastructure. Utility companies must provide these clearance requirements.
- Road side edge of auger pits shall be a minimum of three (3) metres from the edge of pavement where gravel shoulders exist or where curb and gutter exist shall be one (1) metre away from back edge of curb for each vertical metre of excavation. Permission from the Region must be obtained if the paved surface is to be cut.
- Approval is required from the Local Area Municipality (LAM) if a sidewalk or multi-use path is to be disturbed. Sidewalks and Multi-Use Paths within Regional ROW's are owned and maintained by LAM, not the Region.
- It is the applicant's responsibility to obtain all approvals required under Local, Provincial or Federal legislation. The Region may require proof of additional permitting authorities prior to issuance of a Road Occupancy Permit to allow construction to proceed.



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8. Construction Methodology:

Construction methodology of underground installations must be indicated on the MC application design. Note that the following installation methods are accepted within the Region of Durham.

- Open Cut – is acceptable, however will not be accepted across roads, driveways, within drip lines of mature trees, or other hard surface areas if trenchless installation methods are available.
- Horizontal Directional Drill – is the preferred installation methodology. Note that all sending / receiving pits as well as utility daylighting locations within asphalt surfaces must be noted and considered in your design scope.
- Plowing: In rural areas is acceptable, provided the alignment is between the ditch and property line, must not be under drip lines of trees, and must not cross manicured lawns or driveways. All of these items must be displayed on submitted designs.



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9. Utility Construction / Installation Tolerance Requirements

- Construction installation tolerance should be 0.5m horizontal and 0.3m vertical or less for installations not within pending capital works project limits, unless otherwise agreed upon. Any installations that are installed outside of these tolerances may be demanded to be removed and replaced in the approved MC location.
- Construction installation tolerance should be 0.3m horizontal and vertical or less for installations within pending capital works project limits unless otherwise agreed upon. Any installations that are installed outside of this tolerance may be demanded to be removed and replaced in the approved MC location. Should the improper placement of infrastructure result in costs incurred to the Region for the pending capital works project, the Region will pursue cost recovery from the utility company.
- To facilitate accurate installation and site safety, the Region may request a preconstruction meeting to review the proposed alignment in comparison to existing site conditions that may impact the approved alignment. At this meeting, the contractor shall have staked out the proposed alignment and have received locates and other stakeholder approvals (i.e. Conservation Authorities if needed). The contractor shall not proceed with installations outside of the approved MC alignment without prior approval from the Region.
- Utility installations are expected to be installed in the alignment and methodology that has been approved in the MC drawing application. The contractor may not proceed with revised methods until approved by the Region.



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10. Work Requiring only a Road Occupancy Permit

- The construction of subsurface infrastructure connecting one or more individual users to the mainline distribution infrastructure, not crossing the pavement structure and not requiring the removal, relocation or alteration of the adjacent infrastructure.
- Emergency work required to maintain or restore existing services.
- Replacement of existing infrastructure for maintenance purposes in the same location as existing (i.e. pole and pedestal replacements of similar size and within 1m of existing item).
- Exploratory work to investigate subsurface conditions.
- All other types of work require both Municipal Consent and a Road Occupancy Permit

Appendix B Sample Municipal Consent Application Within Capital Works Project Limits



