

# Utility and Pipeline Crossing with Road Allowances Policy Bylaw

## Rural Municipality of Britannia No. 502

### BYLAW NO. 05-2023

#### A BYLAW TO ESTABLISH A UTILITY AND PIPELINE CROSSING WITH A ROAD ALLOWANCE POLICY

The Council of the Rural Municipality of Britannia No. 502 in the Province of Saskatchewan, enacts as follows:

**1. PURPOSE**

1.1 The purpose of this bylaw is to provide the applicant wishing to construct a pipeline or utility service within a developed or undeveloped municipal road allowance with construction standards.

**2. UTILITY AND PIPELINE CROSSING WITH A ROAD ALLOWANCE POLICY TS-014**

2.1 The Rural Municipality of Britannia No. 502 will approve utility crossing in accordance with the Utility and Pipeline Crossing within Road Allowance Policy TS-014 attached as Schedule "A" to this bylaw.

**3. COMING INTO FORCE**

3.1 This bylaw comes into force on the day of its third and final reading.



[Redacted Signature]

Reeve

[Redacted Signature]

Chief Administrative Officer

First reading of this Bylaw 29th day of March

2023. Second reading of this Bylaw 26th day of April, 2023.

Read a third time and adopted this 26th day of April, 2023.

Certified to be a true and correct copy  
of Bylaw No. 05-2023 passed by  
Resolution of Council on April 26/23  
Administrator [Redacted]

[Redacted]



Policy No: TS-014

## Policy Title: Utility and Pipeline Crossings within Road Allowances

<b>Policy Area:</b> Transportation Services	<b>Effective Date:</b>
<b>Policy Section:</b> Road Crossings	<b>Updated:</b>
<b>Supersedes Policy:</b> 300-32	<b>Approved on:</b> <b>Resolution:</b> <b>Next Review Date:</b> 3 years from the date of the original approval

### **Policy Statement:**

This policy provides that any person or legal entity (the Applicant) wishing to construct a pipeline or utility service within a municipal road allowance first obtain permission from the municipality.

### **Purpose:**

Any applicant wishing to construct a pipeline or utility service within a developed or undeveloped municipal road allowance must first obtain permission from the municipality. Prior to construction and subject to approval, the applicant shall enter into a Crossing Agreement with the municipality as per "Appendix A" of this policy wherein construction standards and other responsibilities of the applicant shall be clearly outlined.

### **Definitions:**

**Applicant** means a developer or person applying to conduct work under this policy.

**Backfill** means refill of an excavated hole with the material (soil, gravel, clay...etc.) dug out of it. The material may be replaced with a different material (soil, gravel, clay...etc).

**Boring** means to pierce the ground with a turning or twisting movement of a tool to create a tunnel for installing an underground utility or pipeline.

**Council** means the duly elected Council of the Rural Municipality of Britannia No. 502.

**Developed Road Allowance** means a road allowance laid out pursuant to the authority of an Act or an Act of the Parliament of Canada. Furthermore, means a road allowance in which improvements have been made in the way of road construction. In accordance with the standards of the *Undeveloped or Sub Standards Road Allowance Construction Policy*.







**Development Services Officer** means the municipal employee appointed by council to administer the zoning bylaw and other bylaws as they apply to the planning and development activities in the municipality.

**Jacking** means a smaller diameters micro tunneling technique for installing underground pipelines, ducts, and culverts.

**Infrastructure** means structures, pipelines and utilities needed for the operation of a business. (*ie. buildings, roads, power supplies, pipelines.*)

**Municipality** means the Rural Municipality of Britannia No. 502.

**Operations Manager** means an individual appointed to oversee all functions within the Operations Department.

**Pipeline** means pipeline as defined in *The Pipelines Act, 1998*.

**Undeveloped road allowance** means a road allowance laid out pursuant to the authority of an Act or an Act of the Parliament of Canada. Furthermore, means a road allowance in which no improvements have been made in the way of road construction and does not meet the standards of the *Undeveloped or Sub Standards Road Allowance Construction Policy*.

**Utility** means a privately, publicly or cooperatively owned line producing, transmitting or distributing communications, cable ...etc that serves the public.

**Road allowance** means a road allowance laid out pursuant to the authority of an Act or an Act of the Parliament of Canada.

**Roadway Surface** means a improved surface (ie, pavement, gravel) that is intended to sustain vehicular traffic.

**Situ soil** means soil naturally formed or deposited in its present location.

**Tracer wire** means it is intended for direct burial use or can be used to aid in the detection or tracing of underground utility lines for gas, water, sewer, power telephone...etc.

**Trenching** means a method of construction that involves digging a narrow trench in the ground for the installation, maintenance, or inspection of pipelines, conduits, or cables.

**Work** means the construction, installation, maintenance, operation, inspection, repair, and replacement of all or any of the utilities and or pipelines, excluding emergency work, and the placement, storage, fabrication, operation, and maintenance of the equipment and materials within the road allowance as reasonably required by the applicant to carry out the foregoing.

**Responsibilities:**

- 1) The Development Services Officer and Operations Manager are responsible for administrating, maintaining, and updating this policy.
- 2) Council is responsible for the approval of this policy.

**Policy:**

- 1) Requirements:
  - (1) A Notice of Decision shall be issued prior to the commencement of any work.





(2) Nothing shall exempt any persons from complying with the requirements of this policy or any other bylaw or law in the municipality, provincial or federal government.

2) Exemptions:

(1) All crown-owned utilities and pipelines are exempt from this policy.

3) Application Fee:

(1) The applicant shall pay an application fee to the municipality in the amount of \$50 per utility or pipeline crossing of a municipal road allowance.

4) General Conditions:

(1) All Pipelines and utility services crossing a developed or undeveloped road allowance shall be constructed as per the following conditions:

(a) Pipeline and utility services crossing a developed or undeveloped road allowance shall be installed by an industry approved jacking or boring method.

(i) No trenching shall be permitted across a developed road allowance.

(b) Whereas a municipal road allowance is developed, the top of the pipeline or utility infrastructure shall not be less than 1.5 meters below the roadway surface or not less than 1.0 meter below the surface of the ditch bottom, whichever depth is greater or as determined by the Operations Manager.

(c) Whereas a municipal road allowance is undeveloped, the top of the pipeline or utility infrastructure shall not be less than 2.5 meters below the surface of the roadway or not less than 1.0 meter below the surface of the ditch bottom, whichever depth is greater or as determined by the Operations Manager.

(2) The Operations Manager shall review the proposed location of the pipeline or utility crossing of a developed or undeveloped road allowance to determine if it may conflict with future municipal road construction.

(a) If it is determined that the proposed location of the pipeline or utility crossing will conflict with future road construction, the municipality shall work with the applicant to determine a more suitable location for the proposed pipeline or utility crossing.

(3) All developed road and undeveloped road allowances are deemed to be either 30.5 meters in width or as determined by council.

(4) Backfill shall be placed in layers not exceeding 0.5 meters in depth and shall be compacted with industry required technology and equipment to achieve a soil density equal to in situ soil.

(5) All boulders or stones exceeding 200 mm diameter shall not be placed in the backfill of construction activities and shall be removed at the applicant's expense.

(6) The applicant shall be responsible for repairing any ground settlements adjacent to construction activities for a period of one year after the completion of construction activities.

(7) Pipeline or utility infrastructure shall be located to cross the road allowance at a 90-degree angle.

(8) All necessary precautions shall be taken during the installation of the utility and or a pipeline to protect and not unduly interfere with, obstruct, or endanger traffic. The applicant shall provide such necessary barriers and warning lights at all times during the progress of work.





- (9) All corresponding and related Provincial Regulations, Municipal Bylaws, and setback distances shall be adhered to.
- (10) Both sides of the crossing shall be marked by suitable identification signs placed at the edge of the road right-of-way. Where the pipeline runs North-South, signs are to be placed 0.6 meters west of the pipeline. Where the pipeline runs East-West signs are to be placed 0.6 meters north of the pipeline. On undeveloped road allowances where the ditch is under cultivation, the signs may be placed at the edge of cultivation, but not closer than 4.0 meters from the edge of the driving surface of the road.
- (11) The applicant shall leave the road allowance in substantially the same condition in which it was in immediately prior to the work. Should the applicant fail to rectify any inadequacies in the restoration of the road allowance as identified by the municipality, acting reasonably, within 90 days of receiving written notice of such inadequacies from the municipality, the municipality may (but is not obliged to) take such reasonable measures the municipality deems necessary to complete the required restoration, and the cost of such measures shall be reimbursed by the applicant to the municipality upon demand.
  - (a) Whereas, an inadequacy is determined to be an immediate risk to the public, as deemed by the Operations Manager, the municipality shall correct the inadequacy at the cost of the applicant.
- (12) The applicant shall contact the municipality 48 hours prior to construction, to inform the municipality of the construction.
- (13) The Operation Manager may at anytime inspect the work to ensure integrity of the right of way.





POLICY TS-014 "APPENDIX "A"

THIS AGREEMENT WAS made effective on the \_\_\_\_\_, of \_\_\_\_\_, 202\_.

Between:

Rural Municipality of Britannia No. 502

(the "Municipality")

- AND -

\_\_\_\_\_  
(the "Applicant")

Legal Land Description(s) of Work Area (As per Appendix B of this agreement.)

- 1.
- 2.
- 3.

*WHEREAS, the Applicant owns and operates a utility and/or petroleum distribution system within the Municipality;*

*WHEREAS, the Municipality is in charge of the management, care, and control of the roads within the Municipality;*

*WHEREAS, the Applicant must obtain the Municipality's consent to occupy and use the roads within the Municipality, and to construct, maintain, operate, and remove the utilities in, on, over, under, along, or across the roads within the Municipality;*

*WHEREAS, the Applicant must not unduly interfere with the public use, enjoyment, and safety of the roads within the Municipality; and*

*WHEREAS, the Municipality and the Applicant have agreed that it would be mutually beneficial to outline the terms and conditions pursuant to which said consent shall be provided by the Municipality to the Applicant.*

**NOW THEREFORE** in consideration of the promises and the mutual covenants herein contained, the Municipality and the Applicant each agree with the other as follows:

**1. SCOPE OF MUNICIPALITY'S CONSENT**

**1.1** The Municipality hereby:

- (a) grants to the applicant the non-exclusive right on, in, under, over, across, and along the road allowance for the purposes reasonably required to carry out the work; and



- (b) consents to the applicant's non-exclusive use of the municipal road for the purposes of a temporary working area, to the extent same is reasonably required in order to carry out the Work, and to facilitate access to and from the road allowance;

all subject to the terms, covenants, and conditions contained within this agreement.

- 1.2** For clarification, unless otherwise agreed upon in writing pursuant to a work plan, the applicant shall not construct or install within the road allowance any permanent improvements or alterations, nor any additions to or extensions of the utilities and/or pipelines.
- 1.3** Nothing contained in this agreement shall be deemed to limit or in any manner prohibit the Municipality, its assigns or licensees, and any person from fully using and enjoying any portions of the road allowance which are not then required by the company to carry out the work. For certainty, during conduct of the work, the company may, subject always to the work plan, occupy and interrupt usage of the road allowance, as well as bar access to such portion of the municipal road as may be reasonably required in order to conduct the work, preserve the safety of any person, or secure equipment or materials required in relation to the work.
- 1.4** Save and except for as expressly provided for otherwise within this agreement, the non-exclusive right, privilege, and license herein granted to the applicant is strictly limited to the rights expressly granted herein and the road allowance.

## **2. AUTHORIZATION OF WORK**

- 2.1** The applicant shall not access the road allowance, nor begin any work, without first providing a plan to the Municipality setting out:
  - (a) the nature and extent of the work, including, without limitation, the activities to be undertaken, and the equipment and materials to be placed within, the road allowance;
  - (b) the nature and extent of the utility or pipeline proposed to be placed within the road allowance.
  - (c) the portion of the municipal road to be occupied by the applicant as a temporary working area, the duration of the occupation of the temporary working area, and the activities to be undertaken within the temporary working area; and
  - (d) such other information as requested or required by the Municipality, in form and content acceptable to the Municipality, acting reasonably;

which work plan shall be subject to revision and approval by the Municipality, acting reasonably.

- 2.2** Notwithstanding Section 2.1 above, the Applicant may perform such emergency work as is strictly necessary to end the emergency, without prior notice or the submission of a work plan, provided that the Applicant notifies the Municipality of the occurrence of the emergency and the nature and extent of the emergency work as soon as practicable.



- 2.3** Prior to the commencement of any work, the Applicant shall obtain all required permits, consents and approvals to carry out the work, and furnish evidence satisfactory to the Municipality (acting reasonably) that such permits, consents and approvals have been obtained by the Applicant.

### **3. CONDITIONS**

- 3.1** All pipelines and utility services crossing a developed or undeveloped road allowance shall be constructed as per the following conditions:
- (a) Pipeline and utility services crossing a developed or undeveloped road allowance shall be installed by an industry approved jacking or boring method.
    - (j) No trenching shall be permitted across a developed road allowance.
  - (b) Whereas a municipal road allowance is developed, the top of the pipeline or utility infrastructure shall not be less than 1.5 meters below the roadway surface or not less than 1.0 meter below the surface of the ditch bottom, whichever depth is greater or as determined by the Operations Manager.
  - (c) Whereas a municipal road allowance is undeveloped, the top of the pipeline or utility infrastructure shall not be less than 2.5 meters below the surface of the roadway or not less than 1.0 meter below the surface of the ditch bottom, whichever depth is greater or as determined by the Operations Manager.
- 3.2** The Operations Manager shall review the proposed location of the pipeline or utility crossing of a developed or undeveloped road allowance to determine if it may conflict with future municipal road construction.
- (a) If it is determined that the proposed location of the pipeline or utility crossing will conflict with future road construction, the municipality shall work with the applicant to determine a more suitable location for the proposed pipeline or utility crossing.
- 3.3** All developed and undeveloped road allowances are deemed to be either 30.5 meters in width or as determined by council.
- 3.4** Backfill shall be placed in layers not exceeding 0.5 meters in depth and shall be compacted with industry required technology and equipment to achieve a soil density equal to in situ soil.
- 3.5** All boulders or stones exceeding 200 mm diameter shall not be placed in the backfill of construction activities and shall be removed at the Applicant's expense.
- 3.6** The Applicant shall be responsible for repairing any ground settlements adjacent to construction activities for a period of one year after the completion of construction activities.
- 3.7** Pipeline or utility infrastructure shall be located to cross the road allowance at a 90-degree angle.
- 3.8** All necessary precautions shall be taken during the installation of the utility and or a pipeline to protect and not unduly interfere with, obstruct, or endanger traffic. The Applicant shall provide such necessary barriers and warning lights at all times during the progress of work.
- 3.9** All corresponding and related Provincial Regulations, Municipal Bylaws, and setback distances shall be adhered to.
- 3.10** Both sides of the crossing shall be marked by suitable identification signs placed at the edge of the road right-of-way. Where the pipeline runs North-South, signs are to be placed 0.6 meters





west of the pipeline. Where the pipeline runs East-West signs are to be placed 0.6 meters north of the pipeline. On undeveloped road allowances where the ditch is under cultivation, the signs may be placed at the edge of cultivation, but not closer than 4.0 meters from the edge of the driving surface of the road.

- 3.11** The Applicant shall leave the road allowance in substantially the same condition in which it was in immediately prior to the work. Should the applicant fail to rectify any inadequacies in the restoration of the road allowance as identified by the Municipality, acting reasonably, within 90 days of receiving written notice of such inadequacies from the Municipality, the Municipality may (but is not obliged to) take such reasonable measures the Municipality deems necessary to complete the required restoration, and the cost of such measures shall be reimbursed by the applicant to the Municipality upon demand.
- 3.12** Whereas, an inadequacy is determined to be an immediate risk to the public, as deemed by the Operations Manager, the Municipality shall correct the inadequacy at the cost of the Applicant.
- 3.13** The Applicant shall contact the Municipality 48 hours prior to construction, to inform the Municipality of the construction.

#### **4. INSPECTION**

- 4.1** The Operations Manager may at any time inspect the work to ensure integrity of the road allowance.

#### **5. COMPLIANCE WITH LAWS**

- 5.1** The Applicant shall conform and shall be responsible for the conformance of its officers, employees, agents, contractors, and invitees within the road allowance. The applicant shall conform and shall be responsible for the conformance to all laws, bylaws, statutes, regulations, ordinances, orders, and directives of all competent authorities, governing bodies and regulatory agencies which are applicable to the road allowance and the work, including, without limitation, all traffic, health and safety laws, including, without limitation, any regulations requiring the installation of safety devices or appliances. The Municipality may, on 24 hours written notice to the Applicant, or sooner, if in the opinion of the Municipality, the likelihood of harm to persons or property is imminent, suspend work performed by or on behalf of the Applicant within the road allowance where there appears to be a lack of compliance with this section, or because conditions of danger exist that would likely result in injury to any person or property. Such suspension shall continue until the lack of compliance or danger is eliminated.

#### **6. ENVIRONMENTAL RESPONSIBILITY**

- 6.1** The Applicant agrees to assume all environmental liability relating to its occupancy and use of the road allowance, including but not limited to, any liability for clean-up of any hazardous substance in, on, under, or discharged from road allowance which may result from:
- (a) the operations of the Applicant, or the operations of the Applicant's employees, agents, contractors, and invitees on, in, under, over, across, or along the road allowance; or
  - (b) Any products or goods brought on, in, under, over, across, or along the road allowance by the Applicant, or by the Applicant's employees, agents, contractors, or invitees.





IN WITNESS WHEREOF, the parties have hereunto caused their corporate seals to be affixed, attested under the hands of their proper officer in that behalf, as of the day and year first above written.

**R.M OF BRITANNIA NO. 502**

(CORPORATE SALE)

PER: \_\_\_\_\_

PER: \_\_\_\_\_

\_\_\_\_\_  
(Company Name)

(CORPORATE SALE)

PER: \_\_\_\_\_

PER: \_\_\_\_\_





APPENDIX B

*INSERT PLAN SHOWING RIGHT OF WAY*

