

Purpose

The purpose of this policy is to identify installation requirements for utilities located within Manitoba Infrastructure (MI) highway right-of-way (ROW). This policy does not cover utility installations outside of the highway ROW.

Preamble

Under The Transportation Infrastructure Act (TIA), utility installations may be permitted in the highway ROW. MI strives to coordinate the utility installations in an effort to optimize the use of the ROW, and to minimize future disruption or need for relocation.

The TIA was enacted, in part, to protect the integrity, safety and efficiency of the provincial highway system.

Under section 29 of the TIA, subject to the regulations, a person must not do any of the following without the permission of the minister:

- (a) deposit any material on a departmental road;
- (b) discharge water onto a departmental road or into any drainage infrastructure that forms part of a departmental road;
- (c) plant anything on a departmental road.

Under section 23(1) of the Manitoba Hydro Act, the corporation has authority, power, and right, to construct, place, leave in place, and maintain its poles, wires, anchors, conduits, mains, pipes, and equipment anywhere on, under, over, across, or along, any public highway, street, lane, or other public place, notwithstanding any rights or powers given to, or conferred upon, any person or municipality by or under any Act of the Legislature.

Under section 7(1) of the Manitoba Water Services Board Act, the board has free ROW, in, on, or under, all road allowances, highways, streets, lanes and public places for the construction, maintenance, and operation of aqueducts, mains, canals, and pipe lines of the board and for equipment used for the purposes of that construction, maintenance or operation.

Under section 155 (a) of Manitoba's Oil and Gas Act, no person shall construct a pipeline or flow line across or within a prescribed distance of a highway without the prior written consent of the member of the Executive Council charged with administration of The Transportation Infrastructure Act.

Under section 43(2) of the Telecommunications Act, a Canadian carrier or distribution undertaking may enter on and break up any highway or other public place for the purpose of constructing, maintaining or operating its transmission lines and may remain there for as long as is necessary for that purpose, but shall not unduly interfere with the public use and enjoyment of the highway or other public place.

Under section 43(3) of the Telecommunications Act, No Canadian carrier or distribution undertaking shall construct a transmission line on, over, under or along a highway or other public place without the consent of the municipality or other public authority having jurisdiction over the highway or other public place.

Policy

All permanent or temporary utility installations (including service drops) within MI highway ROW are subject to review and approval of a prescribed alignment by MI.

All installations shall meet the minimum requirements as described under "**Installation Considerations**".

Definitions

"Crossing" means an installation located under or above the highway ROW.

“Departmental Road” means a provincial trunk highway or provincial road, or a highway in unorganized territory. Highway includes a highway, road, road allowance, street, lane or thoroughfare dedicated to the public use as a highway or opened as or made a highway under this or any other Act; and a bridge, floodway, pier, ferry, square or public use as a highway, including any improvements and appurtenant works.

“Maintenance” means to make any necessary repairs, or perform preventative measures to the original approved installation.

“Parallel” means an installation located along the highway ROW above or below ground.

“Service Drop” means to extend an existing and approved utility outside of the ROW at the shortest direct distance to the customer.

“Temporary” means the placement of a utility within the highway ROW for a period no longer than two weeks.

“Utility” means equipment operated for the primary purpose of supplying or conveying electricity, natural gas, oil, telecommunications, water, wastewater or any other commodity or service

Fees

In Accordance with the TIA, a fee of \$500.00 will be charged for each application.

The fee will be waived for the following:

- a) Service drops
- b) Temporary installed utilities within ROW
- c) Permission for installation or relocation requests where MI is the proponent
- d) Maintenance of previously approved and installed utility

The utility installation is required to be completed within two years of the permission date. Reapplication is required if utility installation will exceed beyond the two years. A one-time extension can be granted prior to the expiration of the two year period and will not be subject to an additional application fee. Any amendments within the original project limits of the permit can be submitted within the two year time period without having to pay additional fees.

Process

The owner of the utility will be required to provide proof of \$5 million public liability insurance coverage naming MI in writing, as additional insured and further that the owner shall maintain said coverage for as long as the permission remains in effect.

Installation Considerations

Method of Installation

All utility installations crossing under a highway, municipal roads, wetlands and accesses (residential, agricultural, commercial, industrial, etc.) must be installed by pushing, tunneling or directionally boring.

The owner of the installation will be responsible to correct settlement, erosion, poor vegetation or any other deficiencies within the ROW for a two-year period from date of completed installation and/or after maintenance of utility. This may include topsoil application, rock collection, weed spraying, reseeding of affected areas, or any other treatments as directed by the director of regional operations.

The owner of the installation shall comply with latest version of the “General Environmental Requirements for Manitoba Infrastructure”

Depth

The depth of cover for any buried utility will be as determined by the appropriate MI regional Technical Services Engineer (TSE) based on requirements for each individual installation. In general, the following depths will be used for utility installations:

- Installations parallel to a highway within ROW shall be installed at a minimum of 1.0m below ditch bottom and the same depth maintained throughout the installation.
- Installations crossing under a highway shall be installed at a minimum of 1.5m below ditch bottom and the same depth maintained throughout the installation.

MI may request additional burial depth to facilitate future road improvements and/or other areas of concern. MI may consider utility depths based on existing ground levels in select locations.

Alignment

Longitudinal installations shall be placed on a uniform alignment. Where this is not feasible, the installation shall be placed at a location approved by the appropriate MI regional TSE/Director of Regional Operations (DRO).

Utilities crossing under or above the highway shall be installed as close to right angles to the centreline of the highway as possible. The desirable angle of crossing is between 70-90 degrees.

If an installation crosses an existing utility within the ROW, the applicant will obtain written consent/agreement from the owner/s of that utility. The applicant will adhere to all requirements of that consent/agreement.

Should it be necessary to locate, expose, lower or relocate the buried utility within the highway ROW at any time because of the repair, reconstruction or alteration of the highway or drainage of the highway, the owner of the installation shall comply with the request and be responsible for all costs unless otherwise agreed upon.

The owner shall be responsible for any costs incurred due to changes required to meet MI approval requirements as a result of incorrect information provided to MI during the application process.

Highway Crossings Requiring Utility Protection

All pressurized sewer and water lines crossing under the highway shall be sleeved in at least Series 160 PVC or DR 17 High Density Polyethylene. Sleeving shall extend a minimum of 3 meters beyond the edge of the shoulder of the roadway or to the toe of the grade slope/side slope of the roadway whichever is greater.

Sleeving/Casing or the use of heavy walled pipe for the entire width of the Highway ROW is mandatory for all oil/gas pipelines within the provincial highway ROW. The use of heavy walled pipe meeting the most recent CSA Standards is acceptable in lieu of a cased crossing.

Additional Considerations

Any utility installations crossing a Provincial Waterway requires an application for authorization under section 14(4) of The Manitoba Water Resources Administration Act W70.

Installations shall have structure delineators placed as shown in MI's Traffic Engineering Branch Policy/Standard No. 600-A-4, <http://www.gov.mb.ca/mit/traffic/pdf/delineation.pdf> for all appurtenances protruding 100mm or more above the ground within highway ROW.

Under section 28(1) of the TIA, a permit is required to construct, modify or relocate a structure, or change or intensify the use of a structure, in a controlled area. <https://www.gov.mb.ca/mit/hpd/permits.html>

The owner of the installation will be responsible for obtaining any necessary environmental approvals. Please contact Environmental Approvals Branch, Manitoba Sustainable Development at 1-204-945-7015 for information.

[Appendix A – MI Utility Installation Application](#)

[Appendix B – MI Requirements for Permanent Utility Installations within Highway ROW](#)

[Appendix C – MI Requirements for Temporary Utility Installations within Highway ROW](#)

[Appendix D – MI Regional Map with Contact Information](#)

[Appendix E – MI General Environmental Requirements](#)

RECOMMENDED: **Original Signed By**
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