



Committee Report

To:	Warden Hicks and Members of Grey County Council
Committee Date:	April 28, 2022
Subject / Report No:	TR-CW-16-22
Title:	Installation of Fibre Conduit and County Road Works
Prepared by:	Randy Scherzer
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	All municipalities
Status:	Recommendation adopted by Committee as presented per Resolution CW67-22; Endorsed by County Council May 12, 2022 per Resolution CC42-22;

Recommendation

1. **That Report TR-CW-16-22 being a report providing an update on the possibility of installing fibre conduit within County Road allowances as part of County Road works be received; and**
2. **That this report be circulated to member municipalities for their information.**

Executive Summary

Grey County is committed to enhancing access to broadband internet services for all residents. In support of this goal, the County invested \$1,029,981 in the SWIFT program which is supporting broadband construction projects in Grey County valued at over \$16.8 million and serving nearly 4000 premises. Further, the Grey County official plan includes consideration of fibre or conduit installation as part of road reconstruction projects. This report provides an update on what has been investigated to date regarding the consideration for including fibre or conduit installation as part of road reconstruction projects, identifies the potential challenges discovered to date, and notes the implications of the Building Broadband Faster Act, enacted April 2021.

Background and Discussion

On April 12, 2022, Town of the Blue Mountains passed a resolution requesting that Grey County provide an update on how the Grey Road 2 and Grey Road 13 projects conform with the Official Plan under Section 8.9.4(3), as follows:

“When reconstructing County roads or the CP Rail Trail, the County will consider installing fibre or conduit for future fibre to connect with the overall fibre network. Local municipalities are also encouraged to install fibre or conduit when reconstructing roads. The County in consultation with local municipalities, telecommunication providers, and SWIFT will develop a fibre/conduit specification for the installation of fibre and conduit. An ownership model will also be developed in consultation with SWIFT.”

Current Conduit Considerations

The concept of creating and adopting a single standard for fibre conduit was abandoned several years ago by SWIFT. In consultation with internet services providers, who each have their own preferences and varying levels of willingness to share infrastructure, the idea was deemed impractical. In addition to individual preferences, conduit needs to conform to certain standards and be certified by an engineer.

From a Grey County specific perspective, Transportation Services has determined that the ideal location for fibre conduit is at the edge of the road right-of-way, as close to the property line as possible. The Grey Road 13 project and majority of Grey Road 2 project are both “pulverize and pave” projects that will not include excavation in the right-of-way except for the replacement of culverts, storm sewers etc.

County staff and Town of the Blue Mountains staff have discussed the installation of conduit at key crossings as part of the Grey Road 2 and 13 projects (e.g. intersections where future boring under the roadway may be challenging or as part of planned culvert replacements) and after further investigations, County staff identified the potential to install conduit at two of the culvert crossings. Town staff noted they have been working on a conduit specification that they can share and therefore once the specification is received Grey County can work with the contractor to incorporate this into the key crossings. All other conduit/fibre would be installed outside of the travelled portion at the expense of the telecommunication providers (i.e., outside of the area under construction) and this can be done after the road construction project is completed.

Further, implementing a conduit standard that is not widely agreed on by providers, or which could not be used simultaneously by a number of providers or is done at County cost, could be considered bonusing under the Municipal Act, 2001 since providers who could not use the conduit may perceive that their competitors who can save money or time by using the conduits have been granted an advantage which is unavailable to them. In the Grey Road 2 and 13 projects, completing conduit placement along the right of way during the construction, if a standard could be agreed upon, would not result in savings for telecommunications providers when the work is being done on a cost recovery basis.

County staff did do some initial research to see if other municipalities are currently doing this practice, and if so, determine if any standards and specifications have been developed to install fibre or conduit. Based on this research, the County is not aware of a municipality that has developed a consistent process and ownership model for installing conduit for fibre as part of road construction works which is likely because of the challenges noted previously (i.e., no consistent conduit specification that telecommunication providers use, varying willingness to share conduit, etc.).

Building Broadband Faster Act

In April 2021, the Government of Ontario enacted the *Building Broadband Faster Act, 2021* (BBFA) along with amendments to the *Ontario Energy Board Act* through the passage of the *Supporting Broadband and Infrastructure Expansion Act, 2021* (SBIEA). On November 30, 2021, the Ministry of Infrastructure and Infrastructure Ontario issued the **Building Broadband Faster Act Guideline (Guideline)**, and **two BBFA regulations (“Prescribed Loss or Expense” and “Designated Broadband Projects”)**, effective as of that date.

The Guideline and regulations support a new, standardized, more coordinated process and sets out the collaboration expected of all partners, including municipalities, to reduce barriers and expedite deployment of broadband infrastructure. The stated goal of the nearly \$4B program is to connect every region of Ontario to reliable, high-speed internet by the end of 2025.

What has Grey Been Doing?

Prior to the BBFA being enacted, Grey County had entered into Municipal Access Agreements with internet service providers to facilitate their fibre projects. These agreements prequalify the internet provider for certain aspects of fibre projects and include certifying that they have the appropriate insurance coverage in place.

The County has placed conduit in intersections in urban cross sections when road work was being completed. This avoids having to do new excavation or directional boring at the time a fibre project is moving forward. The County have not been doing any conduit installation on our rural contracts for the reasons stated above.

Legal and Legislated Requirements

Section 106 of the Municipal Act, 2001 prohibits a municipality from “*directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose*”.

The Building Broadband Faster Act, 2021 provides a designated government minister with the authority to order that municipalities make municipal infrastructure available to support the deployment of broadband projects designated by regulation; a similar order may also compel municipalities to permit their infrastructure to be modified.

The County has the authority under various sections of the Municipal Act, 2001 to regulate the use of its roads and their rights-of-way. This is subject to the municipality’s general legal duty to act fairly with all persons and entities.

Financial and Resource Implications

None with this report.

Relevant Consultation

Internal – Planning Services, Transportation Services, Legal

☒ External - Barry Field, SWIFT

Appendices and Attachments

Town of The Blue Mountains Correspondence Re: Broadband Resolution – April 12, 2022

[Building Broadband Faster - Guideline](#)



**The Town of The Blue Mountains, Special Meeting of Council
Special Meeting of Council**

Date: Tuesday, April 12, 2022
Time: 6:11 PM

Moved by: Councillor Sampson
Seconded by: Deputy Mayor Bordignon

THAT Council of the Town of The Blue Mountains receives the April 6, 2022 Rural Access to Broadband Internet Technology RABIT Task Force recommendation as follows:

THAT the Rural Access to Broadband Internet Technology RABIT Task Force requests that Council consider passing a motion requesting that Grey County provide an update on how the Grey Road 2 and Grey Road 13 projects conform with the Official Plan under Section 8.9.4(3), as follows:

“When reconstructing County roads or the CP Rail Trail, the County will consider installing fibre or conduit for future fibre to connect with the overall fibre network. Local municipalities are also encouraged to install fibre or conduit when reconstructing roads. The County in consultation with local municipalities, telecommunication providers, and SWIFT will develop a fibre/conduit specification for the installation of fibre and conduit. An ownership model will also be developed in consultation with SWIFT.”

AND THAT the above recommendation be considered at the April 11, 2022 Council meeting due to its time-sensitive nature

YES: 6

NO: 0

ABSENT: 1

The motion is Carried

YES: 6

Mayor Soever Deputy Mayor Bordignon Councillor Hope Councillor Matrosovs
Councillor Sampson Councillor Abbotts

NO: 0

ABSENT: Councillor Uram