Minute No. 844
Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 14 **Railway Easement Agreements for Fibre Optic Infrastructure Network Installation**
File EA

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the City enter into an agreement with Canadian National Railway Company for the right and privilege to install, use and maintain an underground communication cable within the Railway's right-of-way at Mile 001.65 of the Letellier Subdivision.

2. That the City enter into an agreement with Canadian National Railway Company for the right and privilege to install, use and maintain an underground communication cable within the Railway's right-of-way at Mile 000.44 WC07 of mile 001.65 of the Letellier Subdivision.

3. That the City enter into an agreement with Canadian Pacific Railway Company for the laying of cables, wire, conduits, etc. on railway lands crossing the railway at Mile 4.12 of the La Riviere Subdivision.

4. That the City entering into an agreement with Canadian Pacific Railway Company for the laying of cables, wire, conduits, etc. on railway lands crossing the railway at Mile 2.10 of the La Riviere Subdivision.

5. That the Chief Administrative Officer the authority be delegated authority to approve the City entering into similar easement agreements with railway companies for fibre optic cabling infrastructure networks.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: Railway Easement Agreements for Fibre Optic Infrastructure Network Installation

FOR SUBMISSION TO: STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

ORIGINAL REPORT JOINTLY SIGNED BY: Chief Information Officer
Director, Planning, Property & Development

REPORT DATE: September 12, 2006

RECOMMENDATION(s):

It is recommended that:

1. The Standing Policy Committee on Property and Development approve the City entering into an agreement with Canadian National Railway Company for the right and privilege to install, use and maintain an underground communication cable within the Railway's right-of-way at mile 001.65 of the Letellier Subdivision.

2. The Standing Policy Committee on Property and Development approve the City entering into an agreement with Canadian National Railway Company for the right and privilege to install, use and maintain an underground communication cable within the Railway's right-of-way at mile 000.44 WC07 of mile 001.65 of the Letellier Subdivision.

3. The Standing Policy Committee on Property and Development approve the City entering into an agreement with Canadian Pacific Railway Company for the laying of cables, wire, conduits, etc. on railway lands crossing the railway at mile 4.12 of the La Riviere Subdivision.

4. The Standing Policy Committee on Property and Development approve the City entering into an agreement with Canadian Pacific Railway Company for the laying of cables, wire, conduits, etc. on railway lands crossing the railway at mile 2.10 of the La Riviere Subdivision.

5. Council delegate to the CAO the authority to approve the City entering into similar easement agreements with railway companies for fibre optic cabling infrastructure networks.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report Summary

Key Issues:

- In order to complete the installation of a fibre optic cabling infrastructure network for the City of Winnipeg (contracted to Ignition Point) railway crossing agreements need to be signed with CN and CP railways.
- The agreements address the use and maintenance of railway crossings that the fibre optic cabling infrastructure network crosses.
- The contracted work needs to be completed by end of October 2006.
- This is a new type of easement for infrastructure network that is not currently delegated to a director but in the future would be delegated to the Chief Administrative Officer.
- The fibre optic cable network will link City-owned buildings and facilities with a high speed, high bandwidth network that addresses future data transfer requirements.

Implications of the Recommendation(s):

General Implications

( ) None
(**X**) For the organization overall and/or for other departments
( ) For the community and/or organizations external to the City
( ) Involves a multi-year contract

Comment(s): Approval delegates the authority for fibre optic cabling network infrastructure easement agreements to the Chief Administrative Officer currently not specified in the Organization By-law.

Policy Implications

( ) No
(**X**) Yes

Comment(s): Only Council can delegate its administrative powers to an employee.

Regulatory Implications

(**X**) None
( ) Eliminates or reduces regulatory impact
( ) Proposes regulatory impact

Environmental Implications

(**X**) No
( ) Yes

Human Resources Implications

(**X**) No
( ) Yes

Financial Implications

(**X**) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): There are no financial implications associated with the recommendations of this report. The costs for implementation and ongoing maintenance related to the railway crossings are covered by the lump sum contract price paid by the City of Winnipeg to Ignition Point (the contractor) for the duration of the 10 year contract.

REASON FOR THE REPORT:

With regards to approving this type of easement agreement with the railways, the Standing Policy Committee on Property and Development, under Section 11(e) of the City Organization By-law, approves 'the terms and conditions of the leasing, selling or purchasing of or dealing with land, including the use of air space agreements by the City, and providing instructions regarding the acquisition of properties through the tax sale process, within existing guidelines established by Council or as may be established from time to time'.

With regards to delegating authority for entering into easement agreements with the railways, only Council can delegate its administrative powers to an employee as referenced in The City of Winnipeg Charter Section 88(2) which states that 'council may delegate any of its administrative powers, duties or functions to an employee'.

HISTORY:

A contract for fibre optic cabling network infrastructure services has been awarded to Ignition Point and approved by Council on September 28, 2005. Ignition Point was contracted to build a fibre optic network in southwest Winnipeg for the City of Winnipeg and to maintain the network for a period of 10 years.

DISCUSSION:

As part of the build, Ignition Point subcontracted portions of the fibre optic cabling network infrastructure which crossed the railways to Crown Utilities. Crown Utilities contacted the railway companies to obtain the necessary crossing agreements required for the work. The easement agreements need to be signed by the owners of the fibre optic network infrastructure which is the City of Winnipeg.

The installation of the fibre optic infrastructure network requires that easement agreements with CP and CN railways be signed by the City of Winnipeg where the fibre optic cabling crosses the railway lines. This will allow for the installation, use and maintenance of the fibre optic network on the railways' right-of-ways. The easement agreements apply to 4 railway crossings. The installation, contracted to Ignition Point, is scheduled to be completed by end of October, 2006.

The fibre optic cable network will link City-owned buildings and facilities with a high speed, high bandwidth network that addresses future data transfer requirements.

Financial Impact Statement Date: September 1, 2006

Project Name: **First Year of Program 2006**

Railway Easement Agreements for Fibre Optic Infrastructure Networks

	2006	2007	2008	2009	2010
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

There are no financial implications associated with the recommendations of this report. The costs for implementation and ongoing maintenance related to the railway crossings are covered by the lump sum contract price paid by the City of Winnipeg to Ignition Point (the contractor) for the duration of the 10 year contract.

(Original signed by R. Abeysekera)
Manager of Finance & Administration
CSD/CIT

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Legal Services Division, Corporate Services Department
Planning, Property and Development Department

External Consultation With:

Canadian Pacific Railway Company
Canadian National Railway Company

THIS REPORT JOINTLY SUBMITTED BY:

Department:	Corporate Information Technology Planning, Property & Development
Division:	
Prepared by:	Stanley Yuen, IT Network Infrastructure Administrator
File No.	