

15 -ാം കേരള നിയമസഭ

8 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 3055

01-03-2023 - ൽ മറുപടിയ്ക്ക്

റോഡുകൾ കഴിക്കുമ്പോൾ പാലിക്കേണ്ട നടപടിക്രമങ്ങൾ

ചോദ്യം	ഉത്തരം
<p align="center">ശ്രീ. എൽദോസ് പി. കുനപ്പിള്ളിൽ</p>	<p align="center">ശ്രീ. പി.എ.മുഹമ്മദ് റിയാസ് (പൊതുമരാമത്ത്-വിനോദസഞ്ചാര വകുപ്പ് മന്ത്രി)</p>
<p>(എ) വാട്ടർ അതോറിറ്റി ഉൾപ്പെടെയുള്ള വിവിധ ഏജൻസികൾ അറ്റകുറ്റപ്പണികൾക്കും നിർമ്മാണ പ്രവൃത്തികൾക്കുമായി റോഡുകൾ കഴിക്കുമ്പോൾ പാലിക്കേണ്ട നടപടിക്രമങ്ങൾ എന്തൊക്കെയാണെന്ന് വ്യക്തമാക്കുമോ;</p>	<p>(എ) വാട്ടർ അതോറിറ്റി ഉൾപ്പെടെയുള്ള വിവിധ ഏജൻസികൾ അറ്റകുറ്റപ്പണികൾക്കും നിർമ്മാണ പ്രവൃത്തികൾക്കുമായി റോഡുകൾ കഴിക്കുമ്പോൾ പാലിക്കേണ്ട നടപടിക്രമങ്ങൾ നിഷ്കർഷിച്ച് 20.07.2020 ലെ ജി.ഒ(എം.എസ്)നം. 59/2020/പി.ഡബ്ല്യുഡി, 24.02.2022 ലെ ജി.ഒ (എം.എസ്)നം. 08/2022/പി.ഡബ്ല്യുഡി, 14.02.2023 ലെ ജി.ഒ (എം.എസ്)നം. 11/2023/പി.ഡബ്ല്യുഡി എന്നീ സർക്കാർ ഉത്തരവുകൾ പുറപ്പെടുവിച്ചിട്ടുണ്ട്. കൂടാതെ വിവിധ ഏജൻസികളുടെ പ്രവൃത്തികൾക്കായി റോഡുകൾ കഴിക്കേണ്ടിവരുന്ന വേളയിൽ അവ റീസ്റ്റോർ ചെയ്യുന്നതിനുള്ള സ്പെസിഫിക്കേഷൻ, നിരക്കുകൾ എന്നിവ പുതുക്കി നിശ്ചയിച്ചുകൊണ്ട് 10.02.2023 ൽ നിരത്തുകൾ വിഭാഗം ചീഫ് എഞ്ചിനീയർ CEPWD/2675/2021-C4(W)-RD നമ്പർ സർക്കുലർ പുറപ്പെടുവിച്ചിട്ടുണ്ട്.</p> <p>ദേശീയപാത വിഭാഗത്തിന്റെ പരിധിയിലുള്ള റോഡുകളിൽ കേന്ദ്ര റോഡ് ഗതാഗത ഹൈവേ മന്ത്രാലയത്തിന്റെ 22.11.2016 ലെ RW/NH - 33044/2015/S&R(R)നം. കത്തിലെ നിർദ്ദേശങ്ങൾക്ക് വിധേയമായിട്ടാണ് പൈപ്പുകളോ കേബിളുകളോ ഇടുന്നതിനുള്ള അനുമതി നൽകുന്നത്. ഇതിൽ റോഡു കട്ടിംഗുകൾ പരമാവധി കുറയ്ക്കുന്നതിനുള്ള ട്രഞ്ചിംഗ് ടെക്നോളജി അടക്കമുള്ള നൂതനമായ സാങ്കേതിക വിദ്യകൾ പൈപ്പുകൾ ഇടുന്നതിൽ ഉപയോഗിക്കേണ്ടതുണ്ടെന്നും വ്യക്തമാക്കിയിട്ടുണ്ട്.</p> <p>പ്രസ്തുത സർക്കാർ ഉത്തരവുകൾ, ചീഫ് എഞ്ചിനീയറുടെ സർക്കുലർ, കേന്ദ്ര റോഡ് ഗതാഗത ഹൈവേ മന്ത്രാലയത്തിന്റെ കത്ത് എന്നിവ യഥാക്രമം അനുബന്ധം I,II,III, IV,V ആയി ചേർക്കുന്നു.</p>

(ബി)	പ്രസ്തുത നടപടിക്രമങ്ങൾ പാലിക്കാത്തവർക്കെതിരെ എന്തൊക്കെ നടപടികൾ സ്വീകരിക്കാൻ സാധിക്കുമെന്ന് വ്യക്തമാക്കുമോ;	(ബി)	പ്രസ്തുത നടപടിക്രമങ്ങൾ പാലിക്കാത്തവർക്കെതിരെ സെക്യൂരിറ്റി തുക കണ്ടുകെട്ടുക, സമയപരിധി ദീർഘിപ്പിച്ച് നൽകാതിരിക്കുക തുടങ്ങിയ നടപടികൾ സ്വീകരിക്കാവുന്നതാണ്.
(സി)	സംസ്ഥാനത്തെ പി.ഡബ്ല്യു.ഡി. റോഡുകളിൽ മേൽപ്പറഞ്ഞ രീതിയിൽ ഉണ്ടാക്കിയിട്ടുള്ള കുഴികളിൽ വീണ് മുൻ സർക്കാരിന്റെ കാലം മുതൽ നാളിതുവരെ എത്രപേർക്ക് പരിക്കേൽക്കുകയും മരണം സംഭവിക്കുകയും ചെയ്തിട്ടുണ്ടെന്ന വിവരം ലഭ്യമാക്കുമോ;	(സി)	വിവരം ശേഖരിച്ചു നൽകുന്നതാണ്.
(ഡി)	മേൽപ്പറഞ്ഞ എല്ലാ സംഭവങ്ങളിലും കുറ്റക്കാരായ കരാറുകാർക്കെതിരെ നടപടി സ്വീകരിച്ചിട്ടുണ്ടോ; എത്ര കരാറുകാർക്കെതിരെ നടപടി സ്വീകരിച്ചിട്ടുണ്ട്; വീഴ്ച വരുത്തുന്ന കരാറുകാരെ കരിമ്പട്ടികയിൽ ഉൾപ്പെടുത്തുന്നതിന് ബന്ധപ്പെട്ട വകുപ്പുകളും ഏജൻസികളുമായും ചേർന്ന് നടപടി സ്വീകരിക്കുമോ; വ്യക്തമാക്കുമോ?	(ഡി)	വിവരം ശേഖരിച്ചു നൽകുന്നതാണ്.

സെക്ഷൻ ഓഫീസർ

File No.PWD-H1/176/2020-PWD



GOVERNMENT OF KERALA

Abstract

Public Works Department - Online System for according Road Cutting Permission/Right of Way Permission - Sanction Accorded - Orders issued.

PUBLIC WORKS (H) DEPARTMENT

G.O.(Ms)No.59/2020/PWD Dated,Thiruvananthapuram, 30/07/2020

- Read: 1. G.O.(P)No.13/2012/PWD dated 01.02.2012.
2. Circular No. CE/R& B I GL-RC/2/2019 dated 30.03.2019 of the Chief Engineer,Public Works Department (Roads).
3. Letter.No-CE/Admin/IT/General/2020-21 dated 24/07/2020 from the Chief Engineer, Public Works Department (Administration).

ORDER

As per Section 2607 of the revised Kerala PWD Manual read as 1st first paper above, any person or authority or agency intending to construct, place, maintain or carry any cable, wire, pipe, drain, sewer, channel of any kind through, across, along, under, in or over any PWD road shall get permit for the same from the concerned road or highway authority. In PWD, the application for road cutting permission is being received from the agencies like Kerala Water Authority, Kerala State Electricity Board and from the Telecom Operators. Thereafter, the concerned Assistant Engineer in charge of the road to be cut, prepares the estimate for restoration work and after approval of the estimate the concerned AEE or EE informs the applicant to deposit the restoration amount in PWD's deposit head of account. After getting confirmation from the applicant that the required amount for restoration is got deposited in PWD's account, cutting permission is issued by the Assistant Executive Engineer or the Executive Engineer concerned. All these activities are being carried out through manual processing in concerned offices which attracts a lot of complaints regarding delay in getting permissions and thereby ultimately delays the completion of many projects.

2. Now, the Kerala State IT Mission has developed an online portal for the management of road cutting permissions. The objectives of the application are as follows:

- a) Online submission of application for Road Cutting Permission/ Right of Way Permission without the need of approaching any office
- b) Online submission of relevant documents such as road sketch, GIS Map of cutting etc.
- c) To provide permission within a time limit.
- d) To facilitate the users to download the final signed approval certificate online.

This portal is now available in the web address <http://rowservices.kerala.gov.in/>. The users of this online system would be PWD, KWA, KSEB and Telecom Operators.

3. In view of the above, the Chief Engineer (Administration) as per the letter read as 3rd paper above, has requested to issue necessary Govt. Orders for implementation of the Online Road Cutting permission/ Right of Way Permission Portal developed by Kerala State IT Mission in managing the road cutting permission issuance of PWD.

4. Government have examined the matter in detail and sanction is accorded hereby to use the online Road Cutting Permission/ Right of Way Permission Portal in PWD with the following guidelines:

A. Procedure for Road Cutting / Right of Way Permission:

- (i) The online system will be operational for Telecom Service Provider / Internet Service Provider / Infrastructure Provider for use from 01.08.2020 and shall not accept any application and documents related to Road Cutting Permission / Right of Way in physical form after 1st August, 2020. Applications and documents submitted online shall be accepted.
- (ii) Any Telecom Service Provider / Internet Service Provider / Infrastructure Provider, whoever requires permission for Road cutting or for Right of Way shall invariably submit their applications online.
- (iii) The Applicant (TSP/IP/ISP/KWA/KSEB) will submit applications for Rights of Way permissions along with necessary documents including the stretch details to the concerned road authority. The route map in GIS format can also be uploaded in the portal.
- (iv) The Road Authority (EE/AEE) shall verify the application after receipt and assigns the application to the concerned AEE or AE for verification and processing, if the application is in order; otherwise the application will be returned to applicant.
- (v) The concerned AE shall prepare the demand note as per the procedure

laid down in the PWD Manual and as per the prevailing rates for road cutting and restoration and submit the same for approval of the competent authority as per the delegation of powers based on the restoration amount required (manual process not through the system). After approval of the demand note, the same shall be uploaded in the online system from the approval office. Thereafter, once the applicant remits the demand note amount in the required head of account, the road cutting permission is to be issued by the competent authority through the system.

(vi) After the utility authority/applicant completes the road cutting and temporary restoration, the same shall be updated in the online system so that the Road Authority gets information about the completion of the work. Thereafter the Road Authority shall take action to restore the road surface as per the guidelines specified in the PWD Manual.

(vii) In cases, where the applicant is to restore the road surface as per the provisions laid down in the cutting permission, after the completion of such works, the applicant shall upload the details in the portal. After getting such information through the portal, the Road authority shall issue NOC through the system.

B. Road Cutting Fees:

The Chief Engineer (Roads) publishes the restoration charges for the road cutting of various types of PWD road surfaces. The prevailing rates as per the Circular read as 2nd paper above are given below.

Sl.No	Type of road or cutting surface	Restoration charges (Rs)/ sq.meter
1	Berm Cutting	359.85
2	Shoulder Cutting	1530.77
3	20mm open graded chipping carpet surface	3090.57
4	20mm close graded chipping carpet surface	3129.12
5	20mm open graded chipping carpet surface (Manual means)	3179.04
6	40mm pre mixed chipping carpet surface	3457.29
7	BM & BC road surface	4069.51
8	Concrete road surface	5473.44
9	100mm thick inter locking Tiled road surface	4196.75
10	80mm thick inter locking tiled road surface	3722.14
11	60mm thick inter locking tiled road surface	3665.91

The above charges are including cost index, centage charges and GST.

C. Timelines:

a) Road cutting permission

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- (i) Application Scrutiny – within 3 days after receiving the Application.
- (ii) Physical Verification and Demand Note approval for Payment and intimation to applicant- Within 15 days after receiving the Application.
- (iii) Payment of Fees by Applicant after issue of Demand Note – As specified in the demand note.
- (iv) Road cutting Permission Letter Issued – Within 7 days after payment of Fees and uploading details by the applicant in the portal.
- (v) Completion of road cutting work and temporary restoration - as specified in the permission letter/proceedings.

b) Right of Way permission

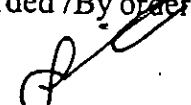
- (i) Application Scrutiny – within 3 days after receiving the Application
- (ii) Physical Verification and granting online permission by the concerned authority - Within 15 days after receiving the Application provided all application documents are in order
- (iii) Issue of NOC after the applicant uploads the details of completion of road restoration works -. Within 7 days after uploading details by the applicant in the portal.

5. The Chief Engineer (Roads); Chief Engineer (National Highway), CE(KSTP) and CE(Bridges) shall take necessary action in the matter accordingly.

(By order of the Governor)
ANAND SINGH
SECRETARY

All the Chief Engineers, PWD, Thiruvananthapuram.
The Managing Director, Kerala Water Authority, Thiruvananthapuram.
The Managing Director, KSEB Ltd, Thiruvananthapuram.
The Managing Director, BSNL, Thiruvananthapuram.
The Managing Director, RICK/RBDCK/KSCC/KSTP, Tvpm.
The Chief Executive officer, KRFB, Thiruvananthapuram.
All Telecom Service Providers.
Stock File/Office Copy/Website

Forwarded /By order


Section Officer



GOVERNMENT OF KERALA

Abstract

Public Works Department - Guidelines for trenching of PWD roads, laying of pipelines and their restoration by KWA - Sanction accorded - Orders issued.



PUBLIC WORKS (H) DEPARTMENT

G.O.(Ms)No.8/2022/PWD Dated, Thiruvananthapuram, 24-02-2022

- Read: 1. G.O(Rt)No.30/2018/PWD dated 05.01.2018.
2. G.O(Ms)No.444/2018/Fin dated 26.11.2018.
3. Circular No.CE/R&B/GL-RC/2/2019 dated 30.03.2019 of the Chief Engineer, PWD, Roads.
4. G.O(Rt)No.756/2019/PWD dated 20.06.2019.
5. G.O(Ms)No.59/2020/PWD dated 30.07.2020.
6. Circular No.CE/R&B/GL-RC/3/2018 dated 24.09.2020 of the Chief Engineer, PWD, Roads.
7. Proceedings No.8665/AE3(MONITORING)/2020/KWA dated 19.11.2020 of the Managing Director, KWA.
8. G.O(Ms)No.2/2021/WRD dated 06/01/2021.
9. Circular No.H1/81/2021-PWD dated 03.07.2021.
10. Minutes of the Meeting dated 05.01.2022 held by Hon'ble Min, PWD in the presence of Hon'ble Min, WRD to discuss the co-ordination between PWD & WRD.
11. G.O(Rt)No.20/2022/PWD dated 07.01.2022.
12. Minutes of the 1st Meeting of the Committee constituted for the co-ordination of works of PWD & WRD held on 18.01.2022.

ORDER

The permissions for road cutting for laying various utilities are issued by PWD in accordance with the provisions of the PWD Manual and Highway Protection Act 1999. The Government Orders/Circulars

read above are presently in force regarding the guidelines for charging the restoration amounts and Security Deposits from the users. The laying of pipe lines by KWA in PWD roads and the consequent restoration of the roads is currently causing issues to both the Departments. Hence based on the Meetings held on 05.01.2022 and 18.01.2022 read as 10th and 12th paper above, it has been decided to issue particular direction regarding the trenching of PWD roads, laying of pipelines and their restoration by KWA in the light of the G.O read as 2nd paper above.

2. Government have examined the matter in detail and the following guidelines are issued hereby for road cutting and restoration for laying KWA pipe lines under PWD roads.

A. Utility Agency led Projects

- (i) KWA shall apply for road cuttings through the RoW portal in accordance with the G.O read as 5th paper above. The upcoming road works of both KWA and PWD shall be displayed in the RoW portal and updated regularly.
- (ii) For urgent leakages and repairs also the permission has to be sought from PWD through the RoW portal. No deposit amount is required for cutting in non DLP roads for emergency leak rectification works. (Repair work can be executed after intimating PWD in case of utmost emergency). Separate provision for sanction of emergency cases should be included in RoW portal.
- (iii) In case of Utility laying works, KWA shall carry out the trenching, pipe laying, back filling and final restoration of the road surface. The road surface has to be restored to the same standards that was existing prior to trenching. Estimate of the restoration of roads shall be prepared by KWA in accordance with MoRTH specification and this will be included in the actual Utility laying/shifting/repair works.
- (iv) In the case of leakages/repairs, KWA shall carry out road restoration done with plate compactors.
- (v) The back filling of the trenches shall be carried out as per the CTE's direction in layers of 20cm thickness with roller/plate compactors for pipe laying works.
- (vi) In the case of leakages/repairs, the back filling of the trenches shall be carried out in layers of 20cm thickness with plate compactors.
- (vii) For the road restoration of pipe laying works, loosening and re-compacting for a depth of 30cm and provision of GSB and WMM with 15cm thick layers each should be included. The surfacing works should

- be in accordance with the MORTH specifications and guidelines.
- (viii)The work shall be carried out ensuring strict quality control and only with the supervision of PWD Engineers.
- (ix)Minimum earth cushioning of 1.20m over the utility lines should be ensured
- (x)As far as possible the laying of utility lines to be carried out through the shoulder portion and the alignment to be fixed through a joint inspection by both the Departments at EE level.
- (xi)In case of road cutting and restoration works arranged by KWA in roads where resurfacing/upgradation works by PWD is scheduled, the restoration should be carried out excluding the provisions in the road work of PWD
- (xii)A security deposit of 10% of the restoration amount required for the road cutting area to be remitted to PWD by KWA for the DLP existing roads, which will be released after the DLP of the restoration work and a tripartite agreement to be executed with PWD, KWA and the contractor who is carrying the work. Physical agreement keeping can be eliminated and the facility shall be made available/included in the online portal.
- (xiii)All the quality control tests mentioned for road works in the Quality Manual of PWD to be carried out by KWA through accredited labs/institutions and the relevant test certificates to be submitted to PWD in the case of utility shifting/pipe laying.
- (xiv)KWA shall submit the security deposit as above in the form of Treasury Savings Deposit/Bank Guarantee for obtaining sanction.
- (xv)The time frame for completion of pipe laying and road restoration shall be specified in the permission letter and for delays/variations from the original sanctioned scope of trenching, the security deposit shall be forfeited proportionally.
- (xvi)Display boards at site showing the details of work arranged by KWA with date of completion during execution and DLP details on completion of work should be erected.
- (xvii)DLP conditions in accordance with existing PWD guidelines will be applicable for the restoration work done by KWA.
- (xviii)The responsibility of the stretch handed over for trenching including safety arrangements and the maintenance during DLP of the restored portion shall vest with KWA limited to the length of the road where utility provider restored.
- (xix)KWA shall take necessary steps to carry out the road cutting works, if any scheduled before arrangement of works by PWD.

(xx)In case of roads with existing DLP, the DLP responsibility of the road stretch where restoration is done will be vested with KWA.

(xxi)No road cutting will be permitted in roads which have been resurfaced for a period of one year from the date of completion of the work. Exemption may be granted on a case to case basis considering the importance like urgent leakage work, prestigious works, high priority works.

(xxii)For roads under DLP, beyond the first one year, the Executive Engineers, shall exercise powers to issue road cutting permit as mentioned in the G.O read as 5th paper above.

(xxiii)In the case of new bridge constructions, the provision for separate duct/platform for carrying the utilities shall be included in the design by PWD based on the requirement of user agency and the expenditure for the construction shall be met by the concerned agency.

(xxiv)In the case of existing bridges, the utilities already installed should be shifted in a phased time bound manner from the bridge by the user agency and separate provision for routing the same has to be made by the concerned agency.

B. PWD led Projects

(i)PWD shall apply for utility shifting necessitated in road constructions through the RoW portal in accordance with the G.O read as 5th paper above. The upcoming road works of both KWA and PWD shall be displayed in the RoW portal and updated regularly.

(ii)While preparing the estimates for utility shifting by KWA for PWD led works the provisions should be same as that of the existing lines (ie.same dia of pipe, same material etc). The estimate for utility shifting shall be prepared by EE, KWA as per the G.O read as 8th paper above.

(iii)The estimate for utility shifting shall includes the works associated with pipe lines/sewer lines such as shifting/raising of valve chambers/manholes and all allied works.

(iv)The utility shifting/pipe laying works shall be supervised by KWA. The quality of works and quality of materials such as pipes/specials and allied materials shall be ascertained by KWA officials through site or factory test as is applicable.

(v)The Security Deposit for utility shifting (replacement of pipes) needs to be deposited by PWD.

(vi)A security deposit of 10% of the utility shifting amount required for replacement of pipes to be remitted to KWA by PWD for all pipe

shifting works, which will be released after the DLP of the pipes work and a tripartite agreement to be executed with PWD, KWA and the contractor who is carrying the work, the facility shall be included in the online portal.

(vii) PWD shall submit the security deposit as above in the form of Treasury Savings Deposit/Bank Guarantee for obtaining sanction.

(viii) The liability of leakages without obtaining sanction for utility shifting shall be borne by PWD.

(ix) The time frame for completion of pipe laying and road restoration shall be specified in the permission letter and for delays/variations from the original sanctioned scope of quality of pipes, design etc, the security deposit shall be forfeited proportionally.

(x) Display boards at site showing the details of work arranged by PWD with date of completion during execution and DLP details on completion of work should be erected.

(xi) In case where the utility shifting/pipe laying work is executed through the contractor for the PWD road work, the contractor shall be liable for any leakage/maintenance work during the DLP for the pipe laying work/road restoration work associated during the maintenance period or upto the date of handing over the utility to KWA, not to exceed six months after the completion of the work.

C. General

(i) While preparing the estimates for new road constructions the provisions for utility ducts to be included in consultation with the utility providers based on their requirement if there is ample PWD land available for such works. In the case of existing roads the additional provisions for utility ducts shall be explored.

(ii) The committee constituted as per the G.O read as 11th paper above shall consider the major disputes arising, if any, between both the Departments and the decision of this committee will be treated as final.

(By order of the Governor)
ANAND SINGH
SECRETARY

To,

All Chief Engineers, PWD, Thiruvananthapuram.

All Executive Engineers of PWD (Through Chief Engineers).

The Managing Director, Kerala Water Authority, Tvpm.
The Chief Executive Officer, Kerala Road Fund Board, Tvpm.
Water Resources Department.
Stock File/ Office Copy/ Website

Forwarded /By order


Section Officer

Copy to:PS to Minister, PWD.
PS to Minister, WRD.
PA to Secretary, PWD.
PA to Joint Secretary, PWD.



GOVERNMENT OF KERALA

Abstract

Public Works Department - Guidelines for trenching of PWD roads, laying of pipelines and their restoration by KWA - Modified Orders issued.

PUBLIC WORKS (H) DEPARTMENT

G.O.(Ms)No.11/2023/PWD Dated, Thiruvananthapuram, 14-02-2023

- Read:
1. G.O(Rt)No.30/2018/PWD dated 05.01.2018.
 2. G.O(Ms)No.444/2018/Fin dated 26.11.2018.
 3. Circular No.CE/R&B/GL-RC/2/2019 dated 30.03.2019 of the Chief Engineer, PWD, Roads.
 4. G.O(Rt)No.756/2019/PWD dated 20.06.2019.
 5. G.O(Ms)No.59/2020/PWD dated 30.07.2020.
 6. Circular No.CE/R&B/GL-RC/3/2018 dated 24.09.2020 of the Chief Engineer, PWD, Roads.
 7. Proceedings No.8665/AE3(MONITORING)/2020/KWA dated 19.11.2020 of the Managing Director, KWA.
 8. G.O(Ms)No.2/2021/WRD dated 06.01.2021.
 9. Circular No.H1/81/2021-PWD dated 03.07.2021.
 10. G.O(Rt)No.986/2021/PWD dated 09.11.2021.
 11. Minutes of the Meeting dated 05.01.2022 held by Hon'ble Min, PWD in the presence of Hon'ble Min, WRD to discuss the co-ordination between PWD & WRD.
 12. G.O(Rt)No.20/2022/PWD dated 07.01.2022.
 13. Minutes of the 1st Meeting of the Committee constituted for the coordination of works of PWD & WRD held on 18.01.2022.
 14. G.O.(Ms)No.8/2022/PWD dated 24.02.2022.
 15. Letter No.CEPWD/10876/2022-C6(W)-RD dated 24.12.2022 of the Chief Engineer, PWD, Roads.

ORDER

The guidelines for road cutting and restoration for laying KWA pipe lines under PWD roads were issued as per the G.O read as 14th

paper above. The Chief Engineer, Roads as per the letter read as 15th paper above has submitted proposal for modifying the guidelines.

2. Government have examined the matter in detail and are pleased to modify the guidelines as follows:

The projects led by KWA, including laying of utility lines and repairs of existing pipelines; for which the trenching of PWD roads is necessitated are categorized under Utility Agency led Projects. The projects led by PWD, for which shifting of utility lines of KWA is necessitated are categorized under PWD led Projects. The following guidelines shall apply for each of these cases:

A. Utility Agency led Projects

(i) KWA shall apply for road cuttings through the RoW portal in accordance with the G.O read as 5th paper above. The upcoming road works of both KWA and PWD on each road shall be displayed in the RoW portal and updated regularly.

(ii) In case of urgent leakages and repairs also, the permission has to be sought from PWD through the RoW portal. No deposit amount is required for cutting in non DLP roads for emergency leak rectification works. (Repair work can be executed after intimating PWD in case of utmost emergency). The road should be restored to the original standards by KWA itself, with immediate effect after such leak rectification. Separate provision for sanction of emergency cases should be included in RoW portal.

(iii) In the case of leakages/repairs, KWA shall carry out the back filling of the trenches in layers of 20cm thickness with power rollers and road restoration; with plate compactors can be employed, only in cases where trench width is insufficient for compaction with power rollers.

(iv) In case of Utility laying works, KWA shall carry out the trenching, pipe laying, back filling and final restoration of the road surface except in cases under clause (xvi) specified below. The road surface has to be restored to the same material and standard that was existing prior to trenching. Estimate of the restoration works shall be prepared by KWA in accordance with the MoRTH specification, with concurrence for the estimate from PWD and this will be included in the actual utility laying/shifting/repair works. In case of clause (xvi), KWA shall carry out the pipe laying and back filling of trenches with sufficient

compaction.

(v) The back filling of the trenches shall be carried out as per the CTE's direction in layers of 20cm thickness with power roller for pipe laying works. Plate compactors should be used only in cases where trench width is insufficient for compaction with power rollers.

(vi) For the road restoration of pipe laying works, loosening and re-compacting for a depth of 30cm and provision of GSB and WMM with 15cm thick layers each should be included. Filling and compacting with granular material of 30cm thickness, before laying GSB and WMM layers should be included instead of loosening and recompacting, for trench width less than 90cm where mechanical means of compaction is not possible. The surfacing works should be in accordance with the MoRTH specifications and guidelines.

(vii) The road restoration work shall be carried out ensuring strict quality control and under the supervision of PWD and KWA officials. All quality certificates as per Quality Control Manual, issued by Quality Control Wing of PWD, should be submitted. The Executive Engineer concerned of PWD shall issue a completion certificate after satisfactory completion of the work and the payments should be effected by KWA only after obtaining the same.

(viii) A security deposit of 10% of the restoration amount required for the road cutting area to be remitted to PWD by KWA (in case of both roads which are under existing DLP as well as non DLP roads), which will be released 28 days after the DLP of the restoration work/DLP of the existing road (if any) as stipulated in the PWD manual whichever is later. If any surfacing work is coming on the same road; the DLP of the stretch, where work is arranged by PWD, will be stands cancelled on handing over the site to the PWD contractor. If the road cutting is done on the road, which is under DLP of the PWD contractor, the DLP of PWD contractor on the road for its cutting length will be transferred to the KWA contractor for its entire width. A tripartite agreement to be executed with PWD, KWA and the contractor who carryout the work. Physical agreement keeping can be eliminated and the facility shall be made available/included in the online RoW portal.

(ix) KWA shall submit the security deposit as above in the form of Treasury Savings Deposit/Bank Guarantee for obtaining sanction.

(x) The time frame for completion of pipe laying and road restoration

shall be finalized in consultation with PWD and specified in the agreement substantiated with detailed program schedule. No further extension beyond the stipulated time shall be granted, unless there is a reasonable ground and the decision shall be made jointly by Executive Engineers of PWD and KWA keeping in view of PWD manual clause 2112, 2112.1. No extension shall be granted more than half of the original time of completion as per the original agreement. For delays and variations from the original sanctioned scope of trenching and restoration, the security deposit shall be forfeited proportionally as liquidated damage. Also any loss incurred to PWD due to the extension given / delay in execution shall be borne by the KWA.

(xi) Display boards at site showing the details of work arranged by KWA with date of completion during execution and DLP details on completion of work should be installed, showing the details including name and contact number of engineer in charge and the contractor.

(xii) DLP conditions in accordance with existing PWD guidelines will be applicable for the restoration work done by KWA.

(xiii) The responsibility of the stretch handed over for trenching including safety arrangements as per the standards and the maintenance during DLP of the restored portion shall vest with KWA limited to the length and width of the road where utility provider restored. If any mishap happens due to improper safety measures, the responsibility shall vest with the contractor / authority executing the work.

(xiv) In case of roads with existing DLP due to the work executed by PWD, the DLP responsibility of the road stretch where the restoration is carried out; will be vested with KWA, corresponding to the entire width.

(xv) KWA shall take necessary steps to carry out the road cutting works, if any scheduled before arrangement of works by PWD. Once PWD work is arranged, no cutting permission will be granted, unless prior request through RoW portal has been received. In case of works having utmost importance, the request of KWA will be considered at the Government level and decision will be taken accordingly. Separate provision for sanction of such cases shall be included in RoW portal.

(xvi) In cases where there is original work arranged by PWD, G.O read as 10th paper above shall be binding and the restoration amount has to be remitted to PWD. Also in case, if the work pending for arrangement

for which AS was obtained, the restoration amount shall be remitted to PWD and the restoration works can be arranged as a single work by PWD along with original work, by issuing TS as a single work; for effective implementation. The restoration amount in these cases shall be only for such items that are not included in the scope of the original work. Necessary modifications for facilitating the same shall be made in PRICE software. The clause that 'restoration works if any, necessitated during the course of original work, has to be executed by original contractor in accordance with GO(Rt) 986/2021/PWD dt. 9-11-2021', should be included in the SBD conditions for all original works. Utilisation certificate for the deposited amount shall be given to the KWA on the satisfactory completion of the work.

(xvii) No road cutting will be permitted in roads which have been resurfaced for a period of one year from the date of completion of the work. Exemption may be granted, by the Government, on a case to case basis considering the importance like urgent leakage work, prestigious works, high priority works etc. Such facility shall be added in the RoW portal.

(xviii) For roads under DLP, beyond the first one year, the Executive Engineers, shall exercise powers to issue road cutting permit as mentioned in the G.O read as 5th paper above.

(xix) Minimum earth cushioning of 1.20m over the utility lines should be ensured, for laying of all new utilities.

(xx) As far as possible the laying of utility lines to be carried out through the shoulder portion and the alignment to be fixed through a joint inspection by both the Departments at EE level.

(xxi) In the case of new bridge constructions, the provision for separate duct/platform for carrying the utilities shall be included in the design by PWD based on the requirement of user agency and the expenditure for the construction shall be met by the agency concerned.

(xxii) In the case of existing bridges, the utilities already installed should be shifted in a phased time bound manner from the bridge by the user agency and separate provision for routing the same has to be made by the agency concerned.

(xxiii) In case of domestic connections, restoration with either Interlocking Concrete Paver Blocks laid over WMM or cement concrete surfacing is permitted for cross cuttings with width less than

45 cm and trenches with area less than one sq metre. The restoration in such shall be carried out with either 10cm thick interlocking Concrete Paver Blocks laid over 250cm depth compacted WMM or with PCC 1:2:4 for 15 cm thickness and M25 surfacing with 10cm thickness whichever the case may be. In such cases also the SD has to be submitted by KWA ,which has to be valid upto the end of DLP of the restoration work/DLP of existing road (if any) whichever is later.

(xxiv) The surfacing works has to be completed by KWA such that smooth and perfect overlap with the existing surface is ensured.

(xxv) Restoration rates to be remitted by KWA for trenching of various surfaces shall be according to that fixed by Chief Engineer, Roads at regular intervals. Utilisation certificate for the deposited amount shall be given to the KWA on the satisfactory completion of the work.

B. PWD led Projects

(i) PWD shall apply for utility shifting necessitated in road constructions through the RoW portal in accordance with the G.O read as 5th paper above. The upcoming road works of both KWA and PWD shall be displayed in the RoW portal and updated regularly.

(ii) While preparing the estimates for utility shifting by KWA for PWD led works the provisions should be same as that of the existing lines (ie. same dia of pipe, same material etc). The estimate for utility shifting shall be prepared by EE, KWA as per the G.O read as 8th paper above. If the provision vary from that available at present, the difference in cost of the materials, labour charges and corresponding tender excess shall be met by KWA as additional deposit to PWD.

(iii) The estimate for utility shifting shall include the works associated with pipe lines/sewer lines such as shifting/raising of valve chambers/manholes and all allied works.

(iv) The utility shifting/pipe laying works shall be supervised by KWA. The quality of works and quality of materials such as pipes/specials and allied materials shall be ascertained by PWD, KWA officials jointly through site or factory test as applicable. The Executive Engineer concerned of KWA shall issue a completion certificate after satisfactory completion of the work and the payments should be effected by PWD only after obtaining the same.

- (v) The Security Deposit for utility shifting (replacement of pipes) needs to be deposited by PWD.
- (vi) A security deposit of 10% of the utility shifting amount required for replacement of pipes to be remitted to KWA by PWD for all pipe shifting works, which will be released after the DLP of the pipes work and a tripartite agreement to be executed with PWD, KWA and the contractor who is carrying the work, the facility shall be included in the online portal.
- (vii) PWD shall submit the security deposit as above in the form of Treasury Savings Deposit/Bank Guarantee for obtaining sanction.
- (viii) The liability of leakages in case of road works, where utility shifting is done without obtaining sanction for the same, shall be borne by PWD.
- (ix) The time frame for completion of pipe laying and road restoration shall be specified in the permission letter and for delays/variations from the original sanctioned scope of quality of pipes, design etc, the security deposit shall be forfeited proportionally.
- (x) Display boards at site showing the details of work arranged by PWD with date of completion during execution and DLP details on completion of work should be erected, showing the details including name and contact number of engineer in charge and the contractor.
- (xi) In case where the utility shifting/pipe laying work is executed through the contractor of the PWD road work, the contractor shall be liable for any leakage/maintenance work during the DLP for the pipe laying work.

C. General

- (i) No supervision charges have to be deposited by KWA/PWD for execution of works, in the above cases.
- (ii) While preparing the estimates for new road constructions the provisions for utility ducts/corridor to be included in consultation with the utility providers based on their requirement if there is ample PWD land available for such works. In the case of existing roads the additional provisions for utility ducts/corridor shall be explored.
- (iii) Time schedule for road cutting shall be limited between September and December of every year except ban periods and Govt. regulations. In case of unavoidable circumstances, request of KWA will be considered at the Govt. level on case to case basis, if there is any deviation is required from this and the decision will be taken accordingly. Separate

provision for sanction of such cases shall be included in RoW portal.

(iv) No road cutting shall be allowed beyond the sanctioned periods as above except for rectification of urgent leak rectification works.

(v) All the prerequisites for obtaining cutting permission, sanction of estimates, other sanctions etc shall be completed before this period.

(vi) Whenever the road restoration is done by PWD, proposal for administrative sanction for the restoration of the proposed cutting shall be initiated immediately on remittance of the restoration amount by KWA to avoid procedural delay in according AS. Nevertheless, the restoration works shall strictly be arranged based on the technical sanction accorded based on the actual damages occurred due to road cutting.

(vii) If the request for road cutting was received in RoW portal prior to 24.02.22 and the amount was remitted later, then the road restoration work can be executed by the PWD with the restoration amount remitted by the KWA.

(viii) A district level nodal officer not below the rank of Assistant Executive Engineer shall be assigned from each division for coordination between the departments.

(ix) The committee constituted as per the G.O read as 12th paper above shall consider the major disputes, if any, between both the Departments and the decision of this committee will be treated as final.

3. The G.O read as 14th paper above stands modified to the above extent.

(By order of the Governor)
K BIJU I A S
SECRETARY

To:

All the Chief Engineers, PWD, Thiruvananthapuram.

All the Executive Engineers/Superintendent Engineers of PWD
(Through Chief Engineers).

The Managing Director, Kerala Water Authority, Tvpm.

The Chief Executive Officer, Kerala Road Fund Board, Tvpm.
Water Resources Department.

Stock File/Office Copy[File No. H1/317/2022/PWD]/Website

Forwarded /By order

Signed by

Archana.b.p

Date: 14-02-2023 18:10:50

Section Officer

Copy to:PS to Minister, PWD.
PS to Minister, WRD.
CA to Secretary, WRD
CA to Secretary, PWD.
CA to Joint Secretary, PWD.

Mo no 2675/2021-4

CEPWD/2675/2021-C4(W)-RD

I/229033/2023



KERALA PUBLIC WORKS DEPARTMENT

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No.CEPWD/2675/2021-C4(W)-RD

Dated: 10-02-2023

CIRCULAR

Sub:- Revision of Restoration Charges for the Road Cutting of various types of PWD road surfaces - Reg:-

- Ref:-
1. This office Circular No CE/R&B/GL-RC/1/2018 dt 22-05-2018
 2. GO (Ms) No 59/2020/PWD dt 30-07-2020
 3. Circular No Insp-Tech-2/121/2020-Fin dt 10-12-2020 of the Chief Technical Examiner
 4. Letter No Insp-Tech-2/121/2020-Fin dt 17-3-22 of the Chief Technical Examiner
 5. This office Circular No CE/2675/2021-C4(W)-RD dt 21-12-2022

The Revised rate for the restoration charges for the road cutting of PWD roads was fixed based on DSoR 2016 as per reference 1st cited above. The above rates were including provision for GST @ 12% and centage charges of 12.5%.

Considering the change in DSR, GST and centage charges, the rates for restoration for various types of road surfaces has been recalculated based on revised provisions.

The rates are including cost index, centage charges of 13.78% and GST of 18%. The road cutting and pipe laying / cable laying works should be carried out as per PWD manual and guidelines as per prevailing Government orders. The restoration width should be calculated as 1.50 times the trench width excavated for laying the pipes.

Provisions made

Earthen Berm Cutting

EW - 30 cm, Construction of shoulders - 30 cm

Shoulder Cutting

EW - 20 cm, GSB - 20 cm

20mm chipping carpet road cutting

EW - 42 cm, GSB - 20 cm, WMM - 20 cm

Prime coat (SS), 20mm open graded chipping carpet/close graded chipping

1/229033/2023

carpet/open graded chipping carpet (manual means)

40mm premixed chipping carpet road cutting

EW – 44 cm, GSB – 20 cm, WMM – 20 cm

Prime Coat - (SS), 40 mm open graded chipping carpet.

BM & BC road cutting

EW – 48 cm, GSB – 20 cm, WMM – 20 cm

Prime Coat (SS), Tack Coat (RS), BM – 50 mm, BC – 30 mm

Concrete road

EW – 65 cm, GSB-20 cm, WMM – 20 cm

PCC 1:3:6 – 15 cm, PCC M20 – 10 cm

Inter locking tiled road with 100mm/80mm/60mm thick inter locking tile

EW – 50/48/46 cm, GSB – 20 cm, WMM – 20 cm

Inter locking tile 100/80/60 mm thick.

Provision for loosening and re-compacting for a depth of 30 cm is also included in all the above cases.

In the case of narrow trench width (less than 90cm) where mechanical means of compaction is not possible, granular material of 30 cm thickness, before laying GSB and WMM layers should also be included. Hence separate rates for trenches with width less than 90 cm, including the additional provision of granular fill in addition to the above provisions, except loosening and re-compacting has also been finalized.

The Revised Rates are fixed as follows.

Sl. No	Nature of surface	Rate per sq m for trench width greater than 90 cm - without granular fill (Rs)	Rate per sq m for trench width less than 90 cm - with granular fill (Rs)
1	Rate for Earthen Berm cutting	392.95	392.96
2	Rate for Shoulders	1210.22	1832.34
3	Rate for 20mm Open Graded Chipping Carpet (OGPC -mechanical means)	2829.23	3520.71
4	Rate for 20mm Close Graded Chipping Carpet (CGPC - -mechanical means)	2881.22	3541.05
5	Rate for 20mm Open graded premixed Chipping Carpet-manual means	3090.40	3880.91

CEPWD/26/5/2021-C4(W)-RD

I/229033/2023

6	Rate for 40mm Premixed Chipping Carpet	3446.01	4248.29
7	Rate for BM & BC	3921.57	4716.22
8	Rate for Concrete road	4777.21	5567.73
9	Rate for 100mm Inter locking tiled road	4002.98	4791.01
10	Rate for 80 mm Inter locking tiled road	3711.25	4499.28
11	Rate for 60 mm Inter locking tiled road	3539.30	4327.32
12	Rate for restoration upto GSB level only	1367.38	2157.90
13	Rate for restoration upto WMM level only	2469.29	3259.80
14	Rate for restoration upto BM level only	3338.89	4038.07

Signed by
Ajith Ramachandran
 Date: 10-02-2023 00:19:20

AJITH RAMACHANDRAN
CHIEF ENGINEER

- Copy to: 1. All Superintending Engineers, Roads, PWD
 2. All Executive Engineers, PWD, Roads Divisions.
 3. Executive Engineer, E-Governance cell, PWD for publishing in website



GOVERNMENT OF INDIA
 MINISTRY OF ROAD TRANSPORT & HIGHWAYS
 AN ISO 9001:2008 CERTIFIED MINISTRY

Warrant No - 5

S&R(R) ZONE

IAHE Campus,
 A-5, Sector-62,
 Noida-201301.

F. No. RW/NH-33044/29/2015/S&R(R)

Dated: 22nd November, 2016

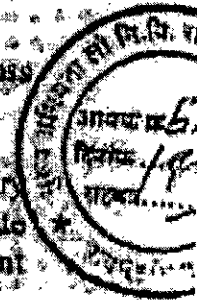
To,

1. The Chief Secretaries of all the State Governments/ UTs
2. The Principal Secretaries/ Secretaries of all States/ UTs Public Works Department dealing with National Highways, other centrally sponsored schemes.
3. II Engineers-in-Chief and Chief Engineers of Public Works Department of States/ UTs dealing with National Highways, other centrally sponsored schemes.
4. The Director General (Border Roads), Secma Sadak Bhawan, Ring Road, New Delhi-110010.
5. The Chairman, National Highways Authority of India, G-5 & 6, Sector-10, Dwarka, New Delhi-110075.
6. The Managing Director, NHIDCL, PTI Building, New Delhi-110001

Subject: Accommodation of Public and Industrial Utility Services along and across National Highways – Policy guidelines regarding.

Sir,

The Government has realized that development of infrastructure across the Country on a sustainable and integrated manner continues to be an imperative for improving the state of economy, enhancing quality of life of the citizens and ensuring equitable development throughout the country.



Land being among the most precious of natural resources available, optimum utilization of land shall play a critical role in integrated development of infrastructure. One of the ways to effect such optimum utilization is leveraging land within National Highway (NH) Right of Way (ROW) for laying utility services. This may be achieved through granting permissions for laying utility services along and/or across the ROW. However, environment and safety of the road users are the prime factors in deciding permission for utility services. Permission may be denied, if it is not feasible to ensure safety and environment through requisite safeguards. The Administration of ROW, has been defined in the National Highway Land and traffic Control Act 2002 and relevant Rules 2004.

Keeping in view the need for consistency and clarity, in supersession of all the instructions contained in the earlier previous circulars on the subject, following guidelines shall apply for accommodation of Utility Services along and across National Highways.

W
6/12

2. Laying of Utility Services along the National Highways:
 - 2.1 There shall be a provision for utility ducts for appropriate categories/combination of utilities in the construction of new/4-6 laning of National Highways. The ducts shall be located at appropriate location preferably as close to the extreme edge of ROW.
 - 2.2 Utility services shall be laid in the utility ducts, if provided for the purpose.
 - 2.3 In stretches where utility ducts have not been provided, the utility services shall be located, beyond the toe line of the embankment and drains, as close to the extreme edge of the ROW as possible. While granting permission, requirement of up-gradation also needs to be kept in view.

2.4 It is to be ensured that at no time there is interference with the drainage of the road land and maintenance of the National Highways. Towards this, the top of the utility services shall be at least 0.6 metre below the ground level.

2.5 No utility service shall be laid over existing culverts and bridges except through the utility ducts where such provision exists. In case of absence of such provisions, the Licensee shall make his own arrangement for crossing of cross drainage structure, rivers, etc. below the bed.

2.6 In exceptional cases, where ROW is restricted the utility services can be allowed beneath the carriageway of service road, subject to the condition that the utility services be laid in concrete ducts, which will be designed to carry traffic on top. The width of the duct in such case shall not be less than one lane. In such cases, it also needs to be ensured that maintenance of the utility services shall not interfere with the safe and smooth flow of traffic. The cost of operation and maintenance will have to be borne by the Licensee as per the agreement.

3. Laying of Utility Services across the National Highway

3.1 The utility services shall be permitted to cross the National Highway either through structure or conduits specially built for that purpose. The casing / conduit pipe should, as minimum, extend from drain to drain in cuts and toe of slope to toe of slope in the fills and shall be designed in accordance with the provision of IRC and executed following the Specifications of the Ministry.

3.2 Existing drainage structures shall not be allowed to carry the lines across.

3.3 The utility services shall cross the National Highway preferably on a line normal to it or as nearly so as practicable.

3.4 The casing/conduit pipe may be installed under the road embankment either by boring or digging a trench. Installation by boring method shall be preferred.

3.5 In case of trenching, the sides of the trench should be done as nearly vertical as possible. The trench width should be at least 30 cm wider, (but not more than 60 cm wider), than the outer diameter of the utility pipe. Filling of the trench shall conform to the specifications contained here-in-below or as supplied by the Highway Authority.

3.5.1 Bedding shall be to a depth not less than 30 cm. It shall consist of granular material, free of lumps, clods and cobbles, and graded to yield a firm surface without sudden change in the bearing value. Unsuitable soil and rock edges should be excavated and replaced by selected material.

3.5.2 The backfill shall be completed in two stages (i) Side-fill to the level of the top of the pipe (ii) Overfill to the bottom of the road crust.

3.5.3 The side fill shall consist of granular material laid in 15 cm. Layers each consolidated by mechanical tamping and controlled addition of moisture to 95% of the modified Proctor's density. Overfill shall be compacted to the same density as the material that had been removed. Consolidation by saturation or ponding will not be permitted.

3.5.4 The road crust shall be built to the same strength as the existing crust on either side of the trench or to thickness and specifications stipulated by the Highway Authority.

3.6 When utilities are allowed overhead, the horizontal and vertical clearance in accordance with the IRC shall be maintained.

4. Procedure for processing application for granting permission for use of highway land:
Any person who intends to obtain permission shall make an application online in the prescribed form to Highway Administration or an officer authorized by Highway Administration on his behalf. The application must mention details the various safety clearances from the respective authorities such as Directorate of Electricity, Chief Controller of Explosives, Petroleum and Explosives Safety Organization, Oil Industry Safety

Directorate, State/Central Pollution Control Board and any other statutory clearances as applicable, which must be obtained by the Applicant before applying to the Highway Administration.

The application shall be put out in the public domain for 30 days for seeking claims and objections (on grounds of public inconvenience, safety and general public interest). The permission for laying utility services is to be normally granted within 30 days from the day of closure of public objections and claims. If no communication is received from the Highway Administration within 30 days from the day of closure of public objections and claims, the permission shall be deemed to be granted. The initial permission would be valid for a maximum of 5 years at a time, which can thereafter be considered for renewal. On payment of additional fee at the time of renewal, the permission shall automatically be renewed, unless defaults exist. In case of renewal, rate prevailing at the time of renewal shall be charged.

5. Charges for granting licence for use of highway land: For the purpose of license fee/lease rentals, the utilities have been divided into two categories; i) Public utilities and b) Industrial utilities as per the details given in Annexure 1.

License Fee/lease rentals described below is for Industrial utilities. The license fee for Public utilities shall be 33% of the fee prescribed for Industrial utilities.

5.1 The following methodology shall be followed for license fees/lease rental determination for utility service lines other than localized infrastructure facilities like towers, repeaters and junction boxes).

License Fees (Rs/sq m/ month) = (Utilized NH land area X prevailing Circle Rate of land per unit area) / (10 x 12) where,

Utilized NH land area = Outer diameter/width of the concerned utility line X length

5.2 The following methodology shall be followed for license fees/lease rental determination for utility services such as towers/repeaters/ junction boxes etc.

License Fees (Rs/sq m/ month) = (Utilized NH land area X prevailing Circle Rate of land per unit area) / (10 x 12) where,

Utilized NH land area = Projection of utility on the ground including area of support system/tower

However, for public utilities, area below the support system/tower shall only be charged.

5.3 Fee shall have to be paid in advance for the period for which permission is granted. In case of renewal, rate prevailing at the time of renewal shall be charged. Delay in deposition of fee shall attract interest @ 15% per annum compounded annually.

5.4 A system to redress grievances and to consider relaxation from the guidelines, in exceptional cases, shall be notified separately and shall be effective from the date of notification.

6. All required restoration, maintenance work subsequent to laying of utility services shall be required to be undertaken by the Licensee at its cost either by itself or through its authorized representative in consultation with the Authority as per predetermined time schedule and quality standards. To process for the granting of permission and prior to signing of Lease agreement, a Performance Bank Guarantee for an amount based on per route metre with a validity of one year initially, in the prescribed format (extendable if required till satisfactory completion of work) shall have to be furnished by the utility service provider/ Licensee, as a security against improper restoration of ground in terms of

filling/unsatisfactory compaction damages caused to other underground installations/utility services & interference, interruption, disruption or failure caused thereof to any services etc.;

Utility services such as pipes etc (rate in per m)

provided in the ducts already provided

≤ 300 mm dia/width

Rs 50

Rs 100

> 300 mm dia/width but < =1000 mm

Rs 250

> 1000 mm

Rs 500

Utility services such as towers etc (rate in Rs per sq m)

Rs 100

In case the Licensee fails to discharge the obligation of making good of the excavated trench/other restoration work, the Authority shall have a right to make good the damages caused by excavation, at the cost of the Licensee and recover the amount by forfeiture of the Bank Guarantee. In case, the Performance Bank Guarantee is invoked as mentioned above, the Licensee shall be required to replenish and reinstate the required Performance Bank Guarantee within one month of such invoking.

Notwithstanding this, the Licensee shall be liable to pay full compensation to the aggrieved Authority/ its designated agency for any damage sustained by them by reason of the exercise of the RoW facility.

7. The Authority shall enter into a License Agreement with the respective utility service provider in the format enclosed (Appendix) including any other conditions imposed by Highway Administration, to ensure safe and uninterrupted flow of traffic. Post signing of the agreement, the utility service provider shall be designated as 'Licensee' for the purpose of this project and will be authorized to install and operate utility services within the NH RoW. However, utility services shall be made operational by the Licensee only after a completion certificate to the effect is issued by the Highway Administration.

Encls: As above.

Manoj Kumar

(Manoj Kumar)

Executive Engineer(NFSG) (S,R&T) (Roads)
For Director General (Road Development) & SS

Copy to:

1. All Technical Officers in the Ministry of Road Transport & Highways
2. All ROs and ELOs of the Ministry
3. The Secretary General, Indian Roads Congress
4. The Director, IAHE
5. Technical circular file of S&R (R) Section
6. NIC-for uploading on Ministry's website under "What's new"

Copy for kind information to:

7. PS to Hon'ble Minister (RTH&S)
8. PS to Hon'ble MOS (RTH&S)
9. Sr. PPS to Secretary (RT&H)
10. PPS to DG (RD) & SS
11. PPS to SS&FA
12. PS to ADG-I/ ADG-II
13. PS to JS (T)/ JS (H)/ JS (LA&C)/ JS (EIC)

Public Utility provider and Industrial Infrastructure**A. Public Utility Provider**

A Public Utility Provider in context of this Guideline shall mean any organization that provides and maintains the infrastructure for a public service like electricity, gas, water supply, telecom cables and sewage disposal subject to applicable regulation.

B. Eligible activities for Industrial Units or 'Industrial Infrastructure'

Industrial Infrastructure in context of this Guideline shall mean any physical infrastructure that is required to facilitate industrial operations and is constructed, operated and maintained along/across Right of Way of National Highways. Such infrastructure shall include the following:

- a. Underground & above ground pipelines including provisions for booster pumping facilities, maintenance bays and other required support infrastructure for transport of legally permitted materials for industrial usage by a business entity having valid license for industrial operations.
- b. Conveyor Belts including provisions for maintenance bays and other required support infrastructure for transport of legally permitted materials, by a business entity having valid license for industrial operations.
- c. Power cables/wires etc. meant for industrial usage by a business entity having valid license for industrial operations.
- d. Any other such associated industrial infrastructure facility.

Draft

Enclosure to Ministry of Road Transport & Highways letter No. 33044 / 29 / 2015
/S&R(R) dated 22.11.2016.

**AGREEMENT REGARDING GRANTING OF RIGHT OF WAY
PERMISSIONS**

FOR LAYING UTILITY SERVICES ON NATIONAL HIGHWAYS

Agreement to lay Telecom cable / OFC cable / electrical cable / pipe line/ ducts etc.
from _____ to _____ Km of _____ land.

This Agreement made this _____ day of _____ (month) _____ of
(year) between _____ acting in his executive capacity through _____
(hereinafter referred to as the "Authority" which expression shall unless excluded by or
repugnant to the context, include his successors in office and assigns) on the one part, and
M/s _____ a company registered under the Companies Act, 1956 and having its
Registered Office at _____ (hereinafter called the "Licensee") which expression shall
unless excluded by repugnant to the context, include his successors/administrator assignees
on the second part.

Whereas the Authority is responsible, inter-alia, for development and maintenance of
lands in Km _____ to _____ of NH No. _____ RoW.

Whereas the Licensee proposes to lay Telecom cable / OFC cable / electrical cable /
pipe line / ducts etc. referred to as utility services in subsequent paras.

Whereas the Licensee has applied to the Authority for permission to lay utility
services from Km _____ to Km _____ of road/route up to _____
and from km _____ to km _____ of road/route up to _____.

And whereas the Authority has agreed to grant such permission for way leave on the
NH RoW as per terms and conditions hereinafter mentioned.

Now this agreement witnesseth that in consideration of the conditions hereinafter
contained and on the part of the Licensee to be observed and performed, the Authority hereby
grants to the Licensee permission to lay utility services as per the approved drawing attached
hereto subject to the following conditions, namely.

1. RoW permissions are only enabling in nature. The purpose of extending the way
leave facility on the National Highway RoW is not for enhancing the scope of
activity of a utility service provider, either by content or by intent. Further,
enforceability of the permission so granted shall be restricted only to the extent of
provisions/scope of activities defined in the license agreement & for the purpose
for which it is granted.

2. No Licensee shall claim exclusive right on the RoW and any subsequent user will be permitted to use the RoW, either above or below, or by the side of the utilities laid by the first user, subject to technical requirements being fulfilled. Decision of the Authority in relation to fulfilment of technical requirements shall be final and binding on all concerned parties. In case any disruption/damage is caused to any existing user by the subsequent user, the Authority shall not be held accountable or liable in any manner.
3. The Licensee shall be responsible for undertaking all activities including, but not limited to site identification, survey, design, engineering, arranging finance, project management, obtaining regulatory approvals & necessary clearances, supply of equipment, material, construction, erection, testing and commissioning, maintenance and operation and all other activities essential or required for efficient functioning of their own utility/ industrial infrastructure facilities.
4. The Licensee shall pay license fees @ Rs/sq m/month to the Authority. The License fee shall become payable from the date of handing over of RoW land to the Licensee, for laying of utilities/cables/conduits/pipelines for infrastructure/ service provider. As regards Tariff and Terms and conditions for providing common utility ducts along National Highways, there shall be a separate agreement regime.
5. Fee shall have to be paid in advance for the period for which permission is granted for entering into a license agreement. In case of renewal, rate prevailing at the time of renewal shall be charged. Delay in deposition of fee shall attract interest @ 15% per annum compounded annually.
6. Present policy of the MoRT&H is to provide a 2.00 m wide utility corridor on either side of the extreme edge of RoW. In cases where utility ducts with sufficient space are already available along NH, the utility services shall be laid in such ducts subject to technical requirements being fulfilled.
7. The utility services shall be laid at the edge of the RoW. In case of restricted width of RoW, which may be adequate only to accommodate the carriageway, central verge, shoulders, slopes of embankment, drains, other road side furniture etc; the utility services shall be laid beyond the toe line of the embankments and clear of the drain.
8. The Licensee shall make his own arrangement for crossing of cross drainage structure, rivers, etc. below the bed. In case, this is not feasible, the utility services may be carried outside the railings/parapets and the bridge superstructure. The fixing and supporting arrangement with all details shall be required to be approved in advance from the concerned Highway Administration. Additional cost on account of fixing and supporting arrangement as assessed by the Authority shall be payable by the Licensee.

9. In exceptional cases, where RoW is restricted the utility services can be allowed beneath the carriageway of service road, if available, subject to the condition that the utility services be laid in concrete ducts, which will be designed to carry traffic on top. The width of the duct shall not be less than one lane. In such cases, it also needs to ensure that maintenance of the utility services shall not interfere with the safe and smooth flow of traffic. The cost of operation and maintenance will have to be borne by the Licensee.
10. It is to be ensured that at no time there is interference with the drainage of the road land and maintenance of the National Highways. Towards this, the top of the utility services shall be at least 0.6 metre below the ground level. However, any structure above ground shall be aesthetically provided for / landscaped with required safety measures as directed by the concerned Authority;
11. The utility services shall be permitted to cross the National Highway either through structure or conduits specially built for that purpose. The casing / conduit pipe should, as minimum, extend from drain to drain in cuts and toe of slope to toe of slope in the fills and shall be designed in accordance with the provision of IRC and executed following the Specifications of the Ministry.
12. Existing drainage structures shall not be allowed to carry the lines across.
13. The top of the casing/conduit pipe containing the utility services to cross the road shall be at least 1.2m below the top of the sub grade or the existing ground level whichever is lower, subject to being at least 0.3m below the drain inverts. A typical sketch showing the clearances is given in Attachment-1.
14. The utility services shall cross the National Highway preferable on a line normal to it or as nearly so as practicable.
15. The casing/conduit pipe for crossing the road may be installed under the road embankment either by boring or digging a trench. Installation by boring method shall be preferred.
16. In case of trenching, the sides of the trench should be done as nearly vertical as possible. The trench width should be at least 30 cm. but not more than 60 cms wider than the outer diameter of the pipe. Filling of the trench shall conform to the specifications contained here-in-below or as supplied by the Highway Authority,
 - a. Bedding shall be to a depth not less than 30 cm. It shall consist of granular material, free of lumps, clods and cobbles, and graded to yield a firm surface without sudden change in the bearing value. Unsuitable soil and rock edges should be excavated and replaced by selected material.

- b. The backfill shall be completed in two stages (i) Side-fill to the level of the top of the pipe (ii) Overfill to the bottom of the road crust.
- c. The side fill shall consist of granular material laid in 15 cm. Layers each consolidated by mechanical tamping and controlled addition of moisture to 95% of the Proctor's Density. Overfill shall be compacted to the same density as the material that had been removed. Consolidation by saturation or ponding will not be permitted.
- d. The road crust shall be built to the same strength as the existing crust on either side of the trench or to thickness and specifications stipulated by the Highway Authority.
17. The Licensee shall ensure making good the excavated trench for laying utility services by proper filling and compaction, so as to restore the land in to the same condition as it was before digging the trench, clearing debris/loose earth produced due to execution of trenching at least 50m away from the edge of the right of way;
18. All required restoration work subsequent to laying of the cable shall be required to be undertaken by the Licensee at its cost either by itself or through its authorized representative in consultation with the Authority as per predetermined time schedule and quality standards.
19. Prior to commencement of any work on the ground, a performance Bank Guarantee @ Rs. per route metre / Rs per sq m with a validity of one year initially (extendable if required till satisfactory completion of work) shall have to be furnished by the Licensee to the Authority/its designated agency as a security against improper restoration of ground in terms of filling/unsatisfactory compaction damages caused to other underground installations/utility services & interference, interruption, disruption or failure caused thereof to any services etc. In case of the Licensee failing to discharge the obligation of making good of the excavated trench/other restoration work, the Authority shall have a right to make good the damages caused by excavation, at the cost of the Licensee and recover the amount by forfeiture of the Bank Guarantee.
20. In case, the Performance Bank Guarantee is invoked as mentioned above, the Licensee shall be required to replenish and reinstate the required Performance Bank Guarantee within one month of such invoking. In case the work contemplated herein is not completed to the satisfaction of the Authority, which has granted the permission, within a period of 11 months from the date of issue of the Bank Guarantee, the Licensee shall either furnish a fresh guarantee or extend the guarantee for a further period of one year. Notwithstanding this, the Licensee shall be liable to pay full compensation to the aggrieved Authority/ its designated agency for any damage sustained by them by reason of the exercise of the RoW facility;

21. The Licensee shall shift the utility services within 90 days (or as specified by the respective Authority) from the date of issue of the notice by the concerned Authority to shift/relocate the utility services, in case it is so required for the purpose of improvement/widening of the road/route/highway or construction of flyover/bridge and restore the road/land to its original condition at his own cost and risk.
22. The Licensee shall be responsible to ascertain from the respective agency in co-ordination with Authority, regarding the location of other utilities /underground installations/ facilities etc. The Licensee shall ensure the safety and security of already existing underground installations/utilities/facilities etc. before commencement of the excavation/using the existing cable ducts. The Licensee shall procure insurance from a reputed insurance company against damages to already existing underground installations/utilities/facilities etc.
23. The Licensee shall be solely responsible/ liable for full compensation/indemnification of concerned agency / aggrieved Authority for any direct, indirect or consequential damage caused to them/claims or replacements sought for, at the cost and risk of the Licensee. The concerned agency in co-ordination with Authority shall also have a right make good such damages/ recover the claims by forfeiture of Bank Guarantee.
24. If the Licensee fails to comply with any condition to the satisfaction of the Authority, the same shall be executed by the Authority at the cost and risk of the Licensee.
25. Grant of License is subject to the Licensee satisfying (a) minimum disruption of traffic and (b) no damage to the highways. As far as possible, the Licensee should avoid cutting of the road for crossing highway, and other roads and try to carry out the work by trenchless technology. In case any damage is caused to the road pavement in this process, the Licensee will be required to restore the road to the original condition at its cost. If due to unavoidable reasons the road needs to be cut for crossing or laying utility services, the Licensee has to execute the restoration work in a time bound manner at its cost either by itself or through its authorized representative in consultation with the Authority as per predetermined time schedule and quality standards. In case of the Licensee failing to discharge the obligation of making good of the excavated trench/other restoration work, the Authority shall have a right to make good the damages caused by excavation, at the cost of the Licensee and recover the amount by forfeiture of the Bank Guarantee.
26. The Licensee shall inform/give a notice to the concerned agency designated by the Authority at least 15 day in advance with route details prior to digging trenches.

for fresh or maintenance/repair works. A separate performance Bank Guarantee for maintenance/repair works shall have to be furnished by the Licensee.

27. Each day, the extent of digging the trenches should be strictly regulated so that utility services is laid and trenches filled up before the close of the work that day. Filling should be completed to the satisfaction of the concerned agency designated by the Authority.
28. The licensee shall indemnify the concerned agency in co-ordination with Authority, against all damages and claims, if any due to the digging of trenches for laying cables/ducts.
29. The permission for laying utility services is granted maximum for 5 years at a time, which can thereafter be considered for renewal. On payment of additional fee at the time of renewal, the permission shall automatically be renewed, unless defaults exist. In case of renewal, rate prevailing at the time of renewal shall be charged. Delay in deposition of fee shall attract interest @ 15% per annum compounded annually.
30. The permission shall be valid only for the period it is issued and fee deposited. However, the Authority also has a right to terminate the permission or to extend the period of Agreement.
31. That the Licensee shall not undertake any work of shifting, repairs or alterations to the utility services without prior written permission of the concerned agency in co-ordination with the Authority.
32. The permission granted shall not in any way be deemed to convey to the Licensee any ownership right or any interest in route/road/highway land /property, other than what is herein expressly granted. No use of NH RoW will be permitted for any purpose other than that specified in the Agreement.
33. During the subsistence of this Agreement, the utility services located in highway land / property shall be deemed to have been constructed and continued only by the consent and permission of the Authority so that the right of the Licensee to the use thereof shall not become absolute and indefeasible by lapse of time.
34. The Licensee shall bear the Stamp Duty charged on this Agreement.
35. Three copies of 'as laid drawings' of utilities (hard and soft copies) with geo-tagged photographs and geo-tagged video recordings of laying of cables in the trench (with respect to the NH) and after complete restoration shall be submitted to the Authority for verification and record within a month of completion of works.
36. The Licensee shall allow free access to the Site at all times to the authorised representatives of Authority to inspect the Project Facilities and to investigate any

matter within their Authority, and upon reasonable notice, shall provide reasonable assistance necessary to carry out their respective duties and functions.

37. The utility services shall not be made operational by the Licensee unless a completion certificate to the effect that the utility services has been laid in accordance with the approved specifications and drawings and the trenches have been filled up to the satisfaction of the concerned agency in co-ordination with the Authority has been obtained. Notwithstanding anything contained herein, this Agreement may be cancelled at any time by Authority for breach of any condition of the same and the Licensee shall neither be entitled to any compensation for any loss caused to it by such cancellation nor shall it be absolved from any liability already incurred.
38. The Licensee shall ensure adherence to relevant Indian standards and follow best industry practices, methods and standards for the purpose of ensuring the safe, efficient and economic design, construction, commissioning, operation, repair and maintenance of any part of the utility lines/industrial infrastructure facilities and which practices, methods and standards shall be adjusted as necessary, to take account of:
- a. operation, repair and maintenance guidelines given by the manufacturers,
 - b. the requirements of Law,
 - c. the physical conditions at the Site, and
 - d. The safety of operating personnel and human beings.
39. The Licensee shall have to provide safety measures like barricading, danger lighting and other necessary caution boards while executing the work.
40. While laying utility services, at least one lane of road shall be kept open to traffic at all times. In case of single lane roads, a diversion shall be constructed. If any traffic diversion works are found necessary during the working period such diversion shall be provided at the cost of Licensee.
41. After the termination/expiry of the agreement, the Licensee shall remove the utility services within 90 days and the site shall be brought back to the original condition failing which the Licensee will lose the right to remove the utility services. However before taking up the work of removal of utility services the Licensee shall furnish a Bank Guarantee to the Authority for a period of one year for an amount assessed by the Authority as a security for making good the excavated trench by proper filling and compaction, clearing debris, loose earth produced due to excavation of trenching at least 50m away from the edge of the RoW.
42. Any disputes in interpretation of the terms and conditions of this Agreement or their implementation shall be referred to the redress mechanism prevailing in the Ministry and the decision of the redress mechanism shall be final and binding on all.

43. For PPP Projects, in case of any financial loss incurred by the respective project concessionaires due to such laying/shifting of utility services by the Licensee, compensation for the same shall be required to be borne by the Licensee in mutual agreement with the respective project concessionaires. MoRT&H/ NHAI/ implementing authorities for the project shall not be liable to the concessionaire in any way in this regard.

This agreement has been made in duplicate, each on a Stamp Paper, Each party to this Agreement has retained one stamped copy each.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE CAUSED THIS AGREEMENT TO BE EXECUTED THROUGH THEIR RESPECTIVE AUTHORISED REPRESENTATIVES THE DAY AND THE YEAR FIRST ABOVE WRITTEN.

SIGNED SEALED AND DELIVERED FOR AND ON BEHALF OF AUTHORITY.

BY SHRI _____

(Signature, name & address with stamp)

SIGNED ON BEHALF OF M/S _____

(LICENSEE)

BY SHRI _____

(Signature, name & address with stamp)

HOLDER OF GENERAL POWER OF ATTORNEY DATED _____

EXECUTED IN ACCORDANCE WITH THE RESOLUTION NO. _____

DATED _____ PASSED BY HTE BOARD OF DIRECTORS IN THE MEETING HELD ON _____

IN THE PRESENCE OF (WITNESSES):

1.

2.

Enclosure to Ministry of Road Transport & Highways letter No RWHNH 31014/
24/2016 (RWH) dated 22.11.16.

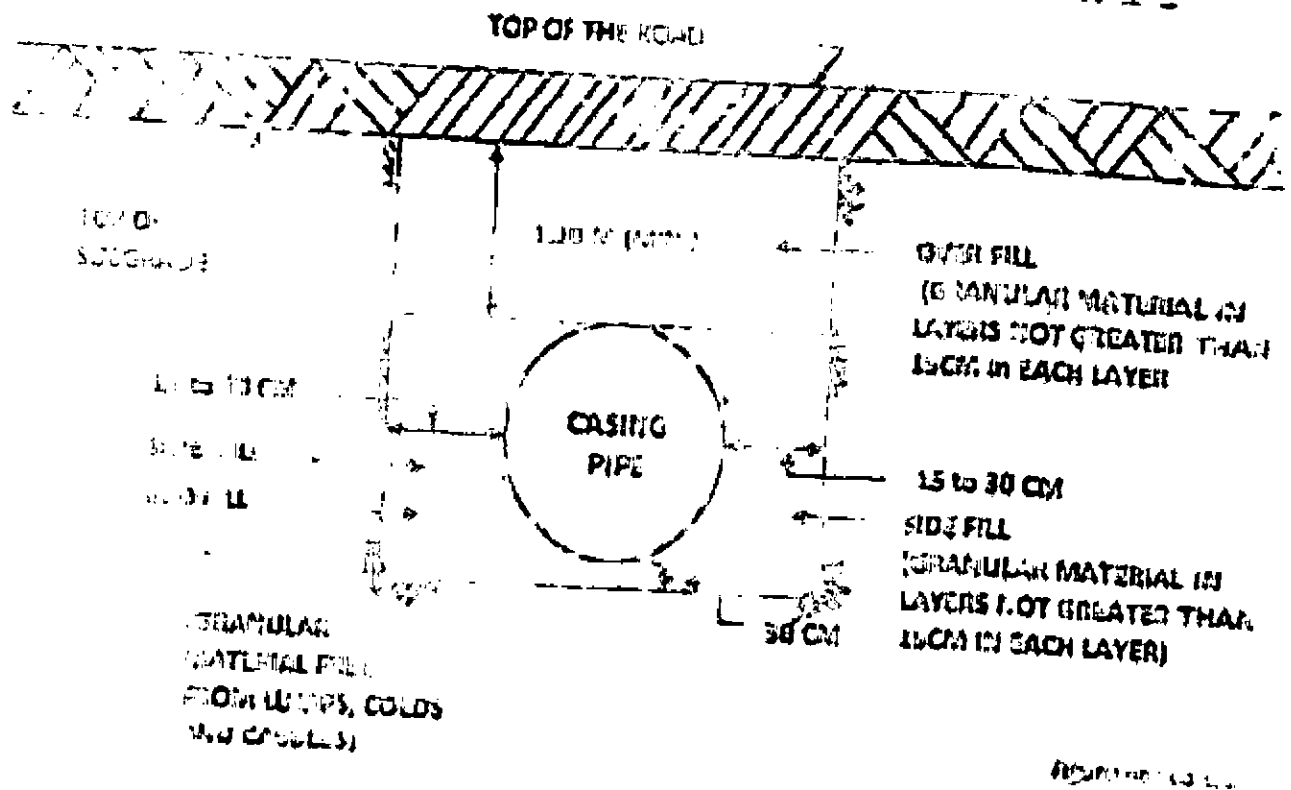


FIGURE-1 INSTALLATION OF CASING PIPE FOR CROSSING THE ROAD