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CROSS RIVER STATE INFRASTRUCTURE, SAFETY AND REGULATORY AGENCY (CRISRA)

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GOVERNMENT OF CROSS RIVER STATE
CROSS RIVER STATE INFRASTRUCTURE, SAFETY AND REGULATORY AGENCY (CRISRA)

CROSS RIVER STATE RIGHT OF WAY REGULATION

December 2024

PART I— Preamble

1 By virtue of Clause 135 of Nigeria Communication Act, 2003, a licensee operator under this above-mentionedAct

a) may require approvals of the State Government, Local Government or other relevant authority for installation, placing, installing or maintenance of any network facilities("Network Facilities") on, through, under or across any land and it shall be the responsibility of such licensees to obtain such approvals;

b) shall, in installing its Network Facilities, take all reasonable steps to ensure that the Operator causes as little detriment and inconvenience, and does as little damage, as is practicable;

c) shall take all reasonable steps to restore the land to a condition that is similar to its condition before the activity began;

d) shall, in connection with the installation of its Network Facilities, take all reasonable steps to—

- act in accordance with good engineering practice;
- protect the safety of persons and property;
- ensure that the activity interferes as little as practicable with— (i) the operations of a public utility; (ii) public roads and paths; (iii) the movement of traffic; and (iv) the use of land; and
- protect the environment;

e) shall take all reasonable efforts to enter into respective agreements with public utilities that make provision for the manner in which the licensee will engage in activities that are— (a) related to the installation of its Network Facilities, and (b) likely to affect the operations of the utility.

2 In the application of the above-mentionedclause 135 of Nigerian Communications Act, 2003 and in the exercise of its powers over the Rights of Way (RoW) within the Cross River State, The Cross River State Infrastructure,

Safety and Regulatory Agency in the exercise of the powers it holds in virtue of Cross River State Infrastructure Safety & Regulatory Agency Law, 2015, Cross River State Infrastructure Safety & Regulatory Agency (Amendment) Law, 2016 and Executive Order No. 002 of 2023 on "Right of Way Charges on Telecommunications Infrastructure is responsible for ROW receives applications for issuance of permit for use of Right of Way to all telecommunications operators, electricity generation and distribution companies (gencos and discos) for installation, placing, installing or maintenance of any facilities from any licensee operator;

a) The Cross River State Infrastructure Safety and Regulatory Agency in the exercise of the power it holds in virtue of the 'Executive Order No. 002 of 2023 on Right of Way Charges on Telecommunications Infrastructure' shall impose NGN145(One Hundred and Forty-Five Naira) per linear metre for laying of ducts and cables, per kilometre and per artery in Cross River State;

3 No other Ministry, Department or Agency of Cross River State is entitled to request or charge any fee with regard to the installation, placing, laying or maintenance of Network Facilities.

Part 2 - Application and Grant of Right of Way

4. All applications shall be made to Cross River State Infrastructure Safety and Regulatory Agency by the licensee operator or through the licensee operator authorized agent for granting RoW for installation, placing, laying or maintenance of any Network Facilities on, through, under or across any public land within Cross River State clearly stating the purpose and duration of the occupation. The request is accompanied by a technical file describing the planned works, particularly:

a) The route required, in line with the State's Road Inventory;
b) The plan of the network showing the ways of passing and anchoring the installations;
c) Proper starting and end points of the installation;
d) In case of installation on or beside a road, the side of the road on which installation is intended (RHS or LHS);
e) Exact length applied for in metres or the surface in m2 and, if applicable, the height of the equipment/installation;
f) Cross sectional dimension of intended trench excavation;
g) Number of ducts to be laid;
h) Type and capacity of ducts and cable to be laid.

i) The technical data needed to assess the possibility of sharing existing facilities;
j) Detailed layout diagrams for engineering structures and junctions;
k) The general conditions for the organisation of the site and the name and address of the project manager;
l) Excavation and backfill methods;
m) Schematic diagrams showing the above;
n) A schedule for the execution of the work, indicating the date of commencement and the foreseeable duration of the work.

5. In addition to the requirements specified in clause4 above, every application shall contain the following information:
   a) Name, designation, physical address telephone number and electronic mail address of the contact person of the Applicant.
   b) Legal description of parcel of land upon which the proposed communication structure will be routed.
   c) Propose date for commencement and completion
   d) Where such infrastructure is subject to an Environmental Impact Analysis by virtue of the Environmental Impact Assessment Act CAP E12 LFN 2004, Federal Republic of Nigeria Official Gazette, S.I. No 109, Environmental Impact Assessment Procedures and Charges Regulations, 2021/B4189-4208, a copy of such approval.

6. Cross River State Infrastructure, Safety and Regulatory Agency shall examine the Application and shall, within Seven (7) working days of submission of the Application, confirm whether the Application is complete or whether there is any deficiency in the application. Where it considers that there is a deficiency in the application, it shall notify the Applicant in writing, email or phone call, specifying details of the deficiency and/or such additional information that it reasonably requires to evaluate the application.

7. Where the Application is satisfactory (and/or where the Applicant has made good any deficiency in the application), the Cross River State Infrastructure, Safety and Regulatory Agency shall issue the Applicant with an invoice for the payment within seven (7) working days. The Applicant shall make the invoiced payment within three (3) days of receipt of the invoice.

8. Where there is any need for physical inspection and/or joint measurements, Cross River State Infrastructure, Safety and Regulatory Agency shall inform the Applicant and schedule a date for the inspection.

9 Applications for RoW shall be granted by Cross River State Infrastructure, Safety and Regulatory Agency within Twenty-One (21) Working Days of the submission of the application, the payment of the relevant fees, and the provision of all other relevant documentation and/or information prescribed in this regulation whichever is later.

10 Where the Cross River State Infrastructure, Safety and Regulatory Agency fails to confirm approval in writing within the stipulated Twenty-One (21) Working Days, such approval shall not be deem granted and the Applicant shall forward a reminder to the Agency. An approval relating to communications infrastructure may only be denied in the following cases;

a) Where the applicant fails to provide the necessary information or to pay the relevant fees as stipulated and/or within the time stipulated in this Section.
b) Where the grant of the RoW will be in contravention of the Dig-Once Policy specified of the State.
c) Where the Nigerian Communications Commission notifies the Cross River State Infrastructure, Safety and Regulatory Agency of its disapproval of the deployment of such infrastructure on the grounds that the Applicant is not licensed to deploy such infrastructure or that the deployment does not satisfy its technical requirement and/or standards.
d) If the intended installation, placing, laying or maintenance of Network Facilities that could affect the integrity of the works and the safety of users shall be deemed incompatible with the use of the public domain.
e) If the request can be met, under conditions equivalent to those that would result from granting RoW by the use of the existing facilities of another occupier of the public domain, if such use does not compromise the use of the facilities by that occupier.

11. If the application is not approved after twenty-one working days from the date the application is received, the Cross River State Infrastructure, Safety and Regulatory Agency shall provide the licensee operator or licensee operator agent a written statement identifying the reasons for its failure to approve.

12. Where the satisfaction of the request of an licensee operator would lead to the use of the whole of the public domain available for the use envisaged and would prevent any additional equivalent use, the Cross River State Infrastructure, Safety and Regulatory Agency may make the granting of the RoW conditional on the licensee operator carrying out works, such as

installation of additional ducts, Street Distribution Cabinets SDC, Manholes or Handholes etc to allow the subsequent sharing of the facilities with other operators, and the Licensee operator publishing the conditions of access to these facilities on its website may include other channels as deemed appropriate.

13. Without prejudice to the provisions of the above Clause 12, the Cross River State Infrastructure, Safety and Regulatory Agency may impose on the licensee operator a requirement to install [3] additional ducts for redundancy to accommodate other licensee operators and avoid multiple excavations and trenching of roads that could compromise the integrity of roads and damage to previously laid cables or other infrastructure.

14. No licensee operator shall commence any work before the RoW granted is duly communicated to the licensee operator.

15. The granting of RoW on the public domain gives rise to the payment of fees which may not exceed:

    a) NGN145/ linear metre for laying of ducts and cables, per kilometre and per artery;
    b) NGN250,000.00 (Two Hundred and Fifty Thousand Naira) one time, non - refundable deposit as Prime Charge
    c) NGN1000.00 per meter Supervision fee and NGN10,000.oo per meter Reinstatement fee
    d) NGN500,000.00 (One off payment) per site for Base Transceiver Station (BTS).
    e) NGN200,000.00 per m2 occupied on the ground for other installations such as street cabinets, Manholes and Manholes intended to house the technical installations for serving subscribers.

Artery means in the case of land or subsoil use, a duct containing or not containing cables, or a cable in the ground; in all other cases, all cables pulled between two supports.

Part 3 – Duties after Completion of Work

16. An Applicant that has been granted a RoW shall provide the Cross River State Infrastructure, Safety and Regulatory Agency with a copy of the "As Laid" drawing for each approval to guide the competent authorities in future rehabilitation, expansion and maintenance work on the public domain.

17. The As-Laid drawings shall show the following:
    a) For ducts and cables laid:
        - Depth of the trenching
        - Number of ducts laid
        - Type and capacity ducts
        - Types of cables
        - Depth of Markers
        - Position of the ducts and relative to the road centre line
        - Position of manholes
    b) For other installations
        - Street Distribution Cabinets
        - Pole Mount
        - Aerial Mask and Towers
        - Cell Sites

18. On completion of the works, the Applicant shall obtain the appropriate completion certificate from competent authorities and forward a copy to the Cross River State Infrastructure, Safety and Regulatory Agency;

19. Relocation of ducts and cables during rehabilitation/construction of roads, if cables are found to obstruct road works, shall be carried out by the Applicant at its own expense.

20. Digging or Damages to road/right of way during installation shall be reinstated to its original state within 30to 60 days of installation of equipment by the Applicant.

Part 4– Sanctions

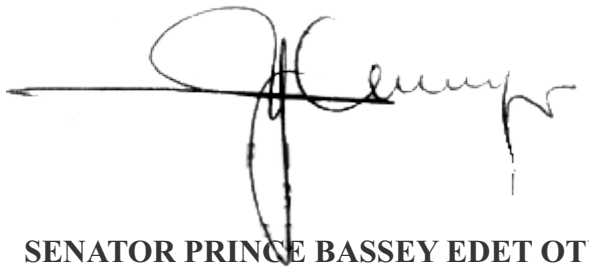
20. The breach of this Regulation shall be punishable by any of the following:
    a) Fines ofNGN250,000.00 (Two Hundred and Fifty Thousand Naira) for individuals
    b) Fines of NGN2,500,000.00 (Two Million, Five Hundred Thousand Naira) for corporate organization
    c) Suspension of RoW
    d) Termination of RoW
    e) Penalty for general non-compliance with existing laws, rules and regulations with regards to technical standard, approved drawings and Specifications and other processes and/or procedures stipulated by the Agency attracts a fine of NGN100,000.00 per day for each day of infringement continues

Part 5 – Miscellaneous provisions

22. The Cross River State approved fees/charges/Regulations of 2020 on Right of Way are revoked.

23. This Regulation may be cited as Cross River State Right of Way Regulation and comes into effect on December 2024

This printed impression has been carefully compared by me with the Law which has been passed by the Cross River State House of Assembly and found by me to be a true and correctly printed copy of the said Law.



SENATOR PRINCE BASSEY EDET OTU
EXECUTIVE GOVERNOR,
CROSS RIVER STATE